

**ORDINANCE 71647**

**BOARD BILL NUMBER 137 COMMITTEE SUBSTITUTE AS AMENDED  
INTRODUCED BY ALDERWOMAN SHAMEEM CLARK-HUBBARD**

1 An ordinance to provide for independent investigations of law enforcement misconduct and use of  
2 force incidents, and repealing **Ordinance Number 71556** and enacting in lieu thereof a new  
3 ordinance that reconstitutes and provides staff support for the Civilian Oversight Board (COB) and  
4 provides coordination and staff support for the Detention Facility Oversight Board (DFOB) created  
5 under **Ordinance Number 71430**, and establishing the Division of Civilian Oversight within the  
6 Department of Public Safety, and authorizes the establishment of the Public Integrity Unit, directed  
7 by the Circuit Attorney in the City of St. Louis.

8 **WHEREAS**, the people of St. Louis hold a compelling interest in the transparent, even-  
9 handed, accountable and compassionate enforcement of the law; and

10 **WHEREAS**, investigations into police misconduct and use of force incidents are presently  
11 conducted by Internal Affairs and the Force Investigative Unit; and

12 **WHEREAS**, a history of violent confrontations and mistrust have decimated community  
13 confidence in the justice system, thereby hindering law enforcement's capacity to conduct effective  
14 investigations; and

15 **WHEREAS**, independent oversight and investigations will build trust between law  
16 enforcement and community; and

17 **WHEREAS**, marginalized communities and allies have fought for decades to establish  
18 robust institutions of civilian oversight; and

1           **WHEREAS**, the State of Missouri recognizes the authority of local governments to  
2 establish civilian oversight boards (see RSMO 590.653); and

3           **WHEREAS**, the Board of Aldermen passed Ordinance 69984 establishing the Civilian  
4 Oversight Board on April 20th, 2015; and

5           **WHEREAS**, the Civilian Oversight Board submitted various incidents to thorough review,  
6 and resulted in greater transparency; and

7           **WHEREAS**, the Board of Aldermen granted the Civilian Oversight Board subpoena  
8 power under Ordinance 70532, on February 10th, 2017; and

9           **WHEREAS**, the people of St. Louis elected a Circuit Attorney committed to holding  
10 police accountable on November 8th, 2016, and the city of St. Louis recognizes the right of the  
11 Circuit Attorney to conduct criminal investigations; and

12           **WHEREAS**, Mayor Jones issued Executive Order 1, directing the release of all SLMPD  
13 and Corrections complaints and data to the Civilian Oversight Board on April 26th, 2021; and

14           **WHEREAS**, the Board of Aldermen established the Detention Facilities Oversight Board  
15 pursuant to Ordinance 71430 on December 3rd, 2021; and

16           **WHEREAS**, this bill establishes the Division of Civilian Oversight to serve as an  
17 institutional home to the Civilian Oversight Board and Detention Facilities Oversight Board; and

18           **WHEREAS**, the division's professional investigative staff will have the capacity to  
19 conduct independent first-instance investigations of police misconduct; and

20           **WHEREAS**, the Commissioner of Civilian Oversight will have the authority, pursuant to  
21 and subject to the enactment of corresponding Civil Service Rule, to discipline law enforcement  
22 officers;

1           **WHEREAS**, the Division of Civilian Oversight is tasked with providing administrative  
2 and research support to the COB and DFOB in order to enhance their capacity to make policy  
3 recommendations and interface with the public, as well as their other oversight roles; and

4           **WHEREAS**, the city of St. Louis recognizes the right of the Circuit Attorney to conduct  
5 criminal investigations into police misconduct and the need to coordinate that authority with other  
6 investigatory and oversight functions carried out by the city; and

7           **WHEREAS**, the purpose of the Division of Civilian Oversight is to strengthen the integrity  
8 of and public confidence in criminal justice institutions by promoting transparency, fairness and  
9 public accountability and conducting thorough, impartial, and independent Professional Standards  
10 Inquiries into misconduct and use of force incidents.

11           **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

12       **SECTION ONE. Ordinance Number 71556** is hereby repealed, and enacted in lieu thereof is a  
13 new ordinance to be and read as follows:

14       **SECTION TWO. Definitions.**

15           **(a)**     “*Annual Oversight Report*” means the written reports by the COB and DFOB that  
16 describe the programs, initiatives, projects, and routine and ongoing tasks undertaken in the  
17 preceding fiscal year by the COB and DFOB to oversee and evaluate the Division of Civilian  
18 Oversight, Division of Corrections, Division of Police and other law enforcement and  
19 investigatory bodies as may be necessary. The Annual Oversight Report shall be prepared and  
20 published by the COB and DFOB with the assistance of Civilian Oversight Staff within one (1)  
21 year of the first meeting of each, with annual reports thereafter published not later than September  
22 1 of each year. The Annual Oversight Report shall set forth how each Board sought to make and

1 made continuous progress in advancing their purposes, priorities, goals, timelines including but  
2 not limited to matters identified in the Annual Oversight Work Plan and the means of measuring  
3 (or grading) progress in the fiscal year just completed.

4 (b) “*Annual Oversight Work Plan*” means the written plans for programs, initiatives,  
5 projects, and routine and ongoing tasks in the forthcoming fiscal year by the COB and by the  
6 DFOB, each prepared with the assistance of the Civilian Oversight Staff and setting forth each  
7 entity’s purpose, priorities, goals, timelines and proposed means of achieving and measuring  
8 continuous progress in the fiscal year ahead. The COB and the DFOB shall for each Annual  
9 Oversight Work Plan invite, devise, and implement means reasonably calculated to elicit public  
10 input as to matters and initiatives that should be included in the coming year’s Annual Work Plan.  
11 The initial COB Work Plan and DFOB Work Plan shall be published within one (1) year of the  
12 first meeting of each, with annual plans thereafter published not later than July 1 each year.

13 (c) “Civilian Oversight Commissioner” means, as provided herein, the head of the  
14 Division of Civilian Oversight in the Department of Public Safety and supervisor of Civilian  
15 Oversight Investigators and Civilian Oversight Staff. The Civilian Oversight Commissioner shall  
16 be an employee of the City of St. Louis in classified service appointed by the Director of Public  
17 Safety, with their performance during the six-month working test period evaluated by the Director  
18 of Public Safety and be removable during their term only by the Director of Public Safety for  
19 cause. Subject to the qualifications determined by the Director of Personnel and/or the Civil  
20 Service Commission, such qualifications for the Civilian Oversight Commissioner shall include  
21 substantial experience successfully conducting complex criminal, employment and/or ethics  
22 investigations, either as a licensed attorney or public sector professional investigator. In order to

1 prevent real or perceived conflicts of interest, and subject to the qualifications determined by the  
2 Director of Personnel and/or the Civil Service Commission, the Civilian Oversight Commissioner  
3 shall have no history of employment as a police officer.

4           **(d)**     “*Civilian Oversight Investigators*” means professional investigative staff, assigned  
5 by or subject to the approval of the Civilian Oversight Commissioner, who, under the direction of  
6 the Civilian Oversight Commissioner, shall conduct Professional Standards Inquiries. Civilian  
7 Oversight Investigators, in addition to being civilian employees of the Division of Civilian  
8 Oversight hired in accordance with Civil Service Rules and Personnel Regulations, may in the  
9 discretion of the Civilian Oversight Commissioner include commissioned officers temporarily  
10 detached from the Division of Police, and civilian employees detached from other City  
11 departments, and other personnel approved by the Civilian Oversight Commissioner in accordance  
12 with Civil Service Rules and Personnel Regulations. Subject to the qualifications determined by  
13 the Director of Personnel and/or the Civil Service Commission, non-detached civilian oversight  
14 investigators shall have a limited history of employment as a police officer, with no history of  
15 employment as a police officer within the four years immediately prior to the employee’s start  
16 date. Currently commissioned SLMPD officers may only be detached and assigned to the Division  
17 of Civilian Oversight following review for conflicts of interest by the Civilian Oversight  
18 Commissioner, and approval by the Director of Public Safety, and in no case may the total number  
19 of detached police officers be more than thirty five percent (35 percent of the total number of  
20 civilian employees of the Division of Civilian Oversight. Subject to appropriation, there shall be  
21 staffing of a minimum of one (1) Civilian Oversight Investigator for every 100 commissioned  
22 police officers and every 80 corrections officers. The Civilian Oversight Commissioner shall adopt

1 rules and procedures for each investigatory matter reasonably calculated to identify and determine  
2 the existence of conflicts of interest that might disqualify a Civilian Oversight Investigator from  
3 being assigned to or continue participation in a matter. For Civilian Oversight Investigators  
4 detached from the Division of Police or other agencies and temporarily assigned pursuant to an  
5 MOU or written contract, the MOU or contract shall specify that investigators shall operate under  
6 the direction and supervision of the Civilian Oversight Commissioner for all matters relating to  
7 their investigative duties while detached to the Division of Civilian Oversight. The lead  
8 investigator on every Professional Standards Inquiry shall be a non-detached Civilian Oversight  
9 Investigator with no history of employment as a police officer. Detached police officers shall not  
10 constitute more than thirty five percent (35 percent) of a given investigative team tasked with  
11 conducting a Professional Standards Inquiry. Civilian oversight investigators shall respond to the  
12 scene of Police and Correctional Incidents. Subject to the requirement of state law then in effect,  
13 civilian oversight investigators shall have authority to collect statements from witnesses and city  
14 employees upon request except that, where civilian oversight investigators request statements from  
15 law enforcement officers under administrative investigation or from law enforcement officers who  
16 reasonably believe that administrative questioning could lead to disciplinary action, demotion,  
17 dismissal, transfer, or placement on a status that could lead to economic loss, such statements shall  
18 be requested and obtained in accordance with and subject to state law then in effect.

19 (e) *“Division of Civilian Oversight”* is a division of the Department of Public Safety,  
20 subject to the terms of this Ordinance, to Civil Service Rules and Regulations, and to all applicable  
21 federal and state laws and city ordinances. The Division of Civilian Oversight shall be directed by  
22 the Civilian Oversight Commissioner and supported by the Civilian Oversight Staff and Civilian

1 Oversight Investigators, which Investigators shall conduct Professional Standards Inquiries and  
2 which staff shall assist and support the disciplinary, oversight and policy authority and duties of  
3 the COB and DFOB.

4 (f) “*Civilian Oversight Staff*” means staff providing oversight, policy, disciplinary,  
5 administrative and technical support to the Civilian Oversight Commissioner, Civilian Oversight  
6 Investigators, COB and DFOB under the direction of the Civilian Oversight Commissioner, and  
7 subject to oversight by the COB or the DFOB, as provided in this ordinance. Subject to  
8 appropriation and Department of Personnel classification qualifications and specifications,  
9 Civilian Oversight Staff shall include employees tasked with producing policy research and  
10 recommendations, supporting surviving families, conducting community outreach, providing  
11 administrative support to investigators, COB & DFOB, and liaising with the Personnel Department  
12 to file the requisite documentation to execute discipline including but not limited to suspensions,  
13 reductions in pay, demotions, forced leave and termination.

14 (g) “*City*” shall mean the City of St. Louis.

15 (h) “*Commissioner of Police*” shall mean the head of the Division of Police whether  
16 otherwise referenced as Police Commissioner or Chief of Police or their designee.

17 (i) “*Complaints*” means a request to review and investigate allegations of a Police Incident,  
18 Police Professional Misconduct, a Detention Incident or Corrections Professional Misconduct, as  
19 defined herein. Complaints must be supported by a written statement. The complaint must outline  
20 the alleged acts or omissions complained of. To the fullest extent permitted by law, Civil Service  
21 Rule or Regulation, and subject to the confidentiality and non-interference provisions set forth in  
22 this Ordinance, all Complaints shall be immediately shared with the Civilian Oversight

Commissioner. Additionally, all Complaints relating to the employees of the Division of Police shall be timely shared with the COB and Police Chief within forty-eight (48) hours, and all complaints pertaining to detention facilities, including internal resolution requests, shall be timely shared with the DFOB and Corrections Commissioner within forty-eight (48) hours.

(j) “*Corrections Commissioner*” means the head of the Division of Corrections of the Department of Public Safety.

(k) “*Complainant*” means persons who submit a Complaint to the Division of Civilian Oversight or to the COB or DFOB regarding or arising out of a Police Incident, Police Professional Misconduct, Detention Incident or Corrections Professional Misconduct.

(l) “*Corrections Professional Misconduct*” means acts or omissions by Division of Corrections as defined in Ordinance Number 71430.

(m) “*Detainee*” means an individual who is housed in a Detention Facility as defined in Ordinance Number 71430.

(n) “*Detention Facility*” means City-owned or City-utilized facilities, including facilities in other jurisdiction housing Detainees for the City under contract, as defined in Ordinance Number 71430.

(o) “*Division of Corrections*” means the City of St. Louis Corrections Division.

(p) “*Detention Incident*” means Corrections Professional Misconduct as well as any of the incidents occurring at or in connection with the operation of a Detention Facility as set forth in Ordinance Number 71430.

(q) “*DFOB*” means the Detention Facility Oversight Board, created under Ordinance Number 71430.



1           (r)     “*Excessive Force*” means physical force applied by Division of Police employees  
2 beyond that which is reasonably necessary to accomplish their lawful purpose while safeguarding  
3 their own lives and the lives of others and physical force applied by Division of Corrections  
4 employees beyond what is reasonably necessary to control a detainee or arrestee or safeguard their  
5 own lives and the lives of others.

6           (s)     “Public Integrity Unit,” means a special unit which, as provided in a Memorandum  
7 of Understanding agreed upon by the Director of Public Safety and Circuit Attorney, and, subject  
8 to enabling appropriations commands and conducts the investigations heretofore undertaken by  
9 the Force Investigation Unit of the Division of Police. Upon enactment of this Ordinance and  
10 formation of the Public Integrity Unit, the Force Investigations Unit of the Division of Police shall  
11 be dissolved, subject to the period of transition set out in Section Twelve, which may include  
12 transfer or reassignment of ongoing cases.

13           (t)     “Administrative Rules Violations Inquiry ” means investigation of alleged  
14 violations of administrative rules of police conduct of a minor administrative nature the pursuit of  
15 which is deemed by the Civilian Oversight Commissioner to be non-essential to the mission of the  
16 Division of Civilian Oversight and which, at the request of the Civilian Oversight Commissioner  
17 and with the agreement of the Commissioner of Police are referred to the Division of Police for  
18 investigation and disciplinary action as determined and initiated by the Commissioner of Police.  
19 If the Civilian Oversight Commissioner’s referral of matters and inquiries are declined by either  
20 the Commissioner of Police or the Commissioner of Corrections, the reasons for declining shall  
21 be made in a writing to the Civilian Oversight Commissioner and Director of Public Safety. The

1 Director of Public Safety shall assign the matter or inquiry to either the Civilian Oversight  
2 Commissioner or Police Commissioner.

3 (u) “Oversight” and “Oversee” shall mean authority provided hereunder to the COB  
4 and under Ordinance Number 71430 to the DFOB to timely obtain reports and information from,  
5 and to observe, evaluate and make recommendations concerning the work of the Division of  
6 Civilian Oversight, Division of Corrections, Police Department, and other law enforcement and  
7 investigatory bodies as may be necessary regarding Professional Standards Inquiries, alleged  
8 Police Professional Misconduct, alleged Police Incidents, alleged Corrections Professional  
9 Misconduct and Detention Incidents, and to obtain information and evaluate and make  
10 recommendations on such other matters concerning which the COB or DFOB may reasonably  
11 inquire.

12 (v) “Division of Police” and “Police Department” means the Division of Police of the  
13 Department of Public Safety, City of St. Louis.

14 (w) “*Police Incident*” means alleged Police Professional Misconduct as well as any of  
15 the following: Death or serious injury of a member of the public allegedly as a result of interaction  
16 with a police officer; Death or serious injury of a police officer or third party, occurring in the  
17 course of their duties; intimate partner violence allegedly by a police officer; accidental serious  
18 injury of any person in police custody where the injury results in medical treatment; Use of force  
19 by a police officer (or their canine agents) that results in injury requiring medical care; Any police  
20 vehicular pursuit of a fleeing suspect that results in serious physical injuries; regardless of actual  
21 injury, lethal force directed at a citizen by a police officer, shall be considered a police incident.

1           (x)     “*Police Officer*” means a state or local law enforcement officer with the power of  
2     arrest for a violation of the criminal code. This does not include individuals in local and state law  
3     enforcement agencies in non-officer positions, or federal law enforcement, such as Department of  
4     Justice or Federal Bureau of Investigations officers, nor prosecuting authorities at any level.

5           (y)     “*COB*” shall mean the Civilian Oversight Board and the 9 members appointed  
6     pursuant to this Ordinance as a reconstituted Civilian Oversight Board with expanded powers and  
7     jurisdiction, and in compliance with RSMo 590.653

8           (z)     “*Police Professional Misconduct*” means acts or omissions by Division of Police  
9     employees alleged to be in violation of criminal law or ordinance or professional standards the  
10    violation of which is subject to disciplinary punishment, including but not limited to misconduct  
11    which constitutes or contributes to Excessive Use of Force, abuse of authority (including failure  
12    to appropriately and timely intervene in or report Police Professional Misconduct of another),  
13    property damage, discourtesy, or use of offensive language, including, but not limited to, slurs  
14    relating to race, ethnicity, religion, gender (including gender identity) sexual orientation and  
15    disability.

16          (aa)    “*Professional Standards Inquiries*” means administrative/disciplinary  
17    investigations conducted by Civilian Oversight Investigators into complaints and allegations of  
18    Detention Incidents, Police Incidents, Corrections Professional Misconduct and Police  
19    Professional Misconduct and to assist the Civilian Oversight Commissioner in the coordination  
20    and implementation of discipline and related corrective employment action in compliance with  
21    Civil Service Rule and/or Personnel Regulation, along with rules or special orders, as may be  
22    applicable, and to conduct the administrative review of shots fired by employees of the Division

1 of Police or Division of Corrections and deadly use-of-force incidents for compliance with  
2 applicable professional standards, policies and codes of conduct. Professional Standards Inquiries  
3 shall automatically be made into, and Civilian Oversight Investigators shall respond to the scene  
4 of, all discharges of firearms or use of force, on or off duty, by officers and armed employees of  
5 the Division of Police or Division of Corrections who discharge firearms or engage in such force  
6 within the City, in which a person was struck or otherwise results in serious physical injury.

7 **SECTION THREE.** Division of Civilian Oversight created.

8 There is hereby established a division of the Department of Public Safety to be known as the  
9 Division of Civilian Oversight, which shall be directed by the Civilian Oversight Commissioner  
10 and have two units: Civilian Oversight Investigators and the Civilian Oversight Staff, each of  
11 which shall be directed and supervised by the Civilian Oversight Commissioner. The Civilian  
12 Oversight Commissioner shall have such authority as is granted under this Ordinance, including  
13 the authority to initiate Professional Standards Inquiries and including, subject to all applicable  
14 rules and regulations of the Department of Personnel and the Civil Service Commission, the  
15 authority to take disciplinary action against employees of the Police ~~Division~~ Department and  
16 Corrections Division. The Division of Civilian Oversight shall have access to records prepared  
17 for disciplinary purposes as set forth herein, except that such access is contingent upon the Civil  
18 Service Commission passing rules or regulations granting the Division of Civilian Oversight  
19 authority to conduct investigations regarding disciplinary matters. Records compiled as a result of  
20 any investigation pursuant to this Ordinance shall not be disclosed where such disclosure would  
21 violate any state or federal law then in effect.

1           A.     Purpose. The purpose of the Division of Civilian Oversight is: to protect the safety  
2 of the public and employees of the City; to strengthen the integrity of and public confidence in  
3 criminal justice institutions; to promote transparency, fairness and public accountability to  
4 professional standards by the Division of Police and Division of Corrections; to conduct thorough,  
5 impartial, and independent Professional Standards Inquiries into alleged Police Professional  
6 Misconduct, alleged Police Incidents, alleged Corrections Professional Misconduct, alleged  
7 Detention Incidents; to support survivors of Police and Correctional Incidents and Misconduct and  
8 their families; to serve as successor and to subsume certain functions of both Police and  
9 Corrections Internal Affairs Divisions in such matters with expanded authority that includes  
10 Division of Corrections matters; to facilitate, promote, and encourage constant improvement in the  
11 operations and professionalism of the Division of Police and Division of Corrections by  
12 empowering independent citizen boards to render impartial and informed oversight, and develop  
13 policy recommendations and advice that will address systemic problems and practices in police  
14 and corrections operations; and as regards Detention Facilities, to ensure such operations and  
15 conditions of confinement are safe, sanitary and respectful of detainees' and the public's rights  
16 and dignity, and protect the health and safety of the public, detainees and Division of Police and  
17 Division of Corrections employees.

18     Overview of Investigative Functions. To effect and advance the purposes herein stated, the  
19 Division of Civilian Oversight, its Civilian Oversight Commissioner and Civilian Oversight  
20 Investigators and Staff shall, as provided herein, be broadly authorized to independently  
21 investigate, conduct, and oversee the investigatory matters defined as Professional Standards  
22 Inquiries. They shall do so for the purposes therein stated, namely, to determine compliance or

1 violation by Division of Police and Division of Corrections personnel of rules governing  
2 professional standards and conduct. The scope and particulars of the matters out of which such  
3 inquiries may arise shall include but not be limited to the matters stated in the definitions of Police  
4 Incidents, Detention Incidents, Police Professional Misconduct and Detention Professional  
5 Misconduct. To promote and ensure diligent consideration and pursuit of all Complaints, as that  
6 term is defined herein, the Division of Civilian Oversight, its Civilian Oversight Commissioner  
7 and the Civilian Oversight Investigators and Staff shall be obligated to not dismiss or deny any  
8 written Complaint without first conducting reasonable inquiry. Further, certain events or  
9 occurrences because of their extraordinary nature, shall automatically be the subject of  
10 Professional Standards Inquiry, as provided therein, namely, those involving police or corrections  
11 personnel's discharge of firearms, or other uses of force that lead or contribute to serious injury,  
12 or death of any person, as well as the death of any person from any potential cause in a Detention  
13 Facility or in police custody. Finally, while working in consultation with the COB and DFOB, the  
14 Division of Civilian Oversight, the Civilian Oversight Commissioner, Civilian Oversight  
15 Investigators and Civilian Oversight Staff shall have broad authority to examine and evaluate  
16 Division of Police and Division of Corrections policies, procedures, and operations, including  
17 Police Incidents and Detention Incidents, in the public interest and for purposes of recommending  
18 improvements and reforms.

19 **SECTION FOUR. Division of Civilian Oversight Authority and duties.**

20 A. The Division of Civilian Oversight, under the direction of the Civilian Oversight  
21 Commissioner, shall have the authority and duty to:

1           1. Promulgate Rules and Procedures for Conducting Inquiries. In consultation with the  
2 Commissioner of Police, Commissioner of Corrections, Civilian Oversight Board, Personnel  
3 Director and Circuit Attorney, and subject to approval by the Director of Public Safety, develop  
4 publicly available rules and procedures for conducting Professional Standard Inquiries into Police  
5 Incident, Police Professional Misconduct, Detention Incidents, and Corrections Professional  
6 Misconduct. These rules and procedures shall include, but not be limited to:

7           a) Rules and procedures providing for the immediate notification of the Civilian  
8 Oversight Commissioner, Director of Public Safety, Circuit Attorney, and Police  
9 Commissioner or Corrections Commissioner, and their respective designees, that a Police  
10 Incident or Detention Incident has occurred or a complaint about such an incident is filed.

11           b) Rules and procedures governing the use of body cameras by police and correctional  
12 officers, investigators, and other law enforcement personnel.

13           c) Rules and procedures establishing a conflict of interest policy to determine the  
14 existence of a conflict of interest, real or perceived, that disqualify the participation of a person  
15 in an investigation.

16           2. Conduct Professional Standards Inquiries. Respond to the scene of Police and Corrections  
17 Incidents as provided for in a memorandum of understanding between the Director of Public Safety  
18 and Circuit Attorney of the City of St. Louis. Receive complaints and, in consultation with the  
19 Director of Public Safety, Circuit Attorney, Commissioner of Police and Commissioner of  
20 Corrections, and excepting Administrative Rules Violations Inquiries, conduct Professional  
21 Standards Inquiries into Police Incidents, Police Professional Misconduct, Detention Incidents,

1 and Corrections Professional Misconduct, and/or subject to such rules and regulations as the  
2 Director of Personnel and Civil Service Commission may prescribe, impose or refer matters for  
3 professional discipline for violations of professional standards and disciplinary rules. Subject to  
4 the requirements of state law then in effect, City employees involved in or witness to alleged police  
5 or correctional incidents or misconduct shall provide a statement to civilian oversight investigators  
6 upon request except that, where civilian oversight investigators request statements from law  
7 enforcement officers under administrative investigation or from law enforcement officers who  
8 reasonably believe that administrative questioning could lead to disciplinary action, demotion,  
9 dismissal, transfer, or placement on a status that could lead to economic loss, such statements shall  
10 be requested and obtained in accordance with and subject to and under all conditions required by  
11 state law then in effect.

12 3. To take disciplinary action. The Civilian Oversight Commissioner, upon consultation and in  
13 consideration of recommendation by the Commissioner of Police or Commissioner of Corrections,  
14 shall have the authority and power, subject to Civil Service Rule, to take disciplinary action against  
15 employees of the Division of Police and Corrections Division, subject to and in accordance with  
16 all applicable Department of Personnel Rules or Regulations, including the civil service  
17 commission appeal and review process. Notwithstanding the foregoing, and pursuant to RSMo.  
18 84.344.8, exclusive authority over the disciplinary process and procedures affecting commissioned  
19 officers is reserved to the civil service commission. Furthermore the Commissioner of Police and  
20 Commissioner of Corrections will retain the power to discipline their employees as conferred by  
21 Civil Service Rules currently in effect. Any claimed conflict between disciplinary action initiated  
22 by the Civilian Oversight Commissioner and Commissioner of Police or Corrections shall be



1 preliminarily determined by order of the Director of Public Safety and may be appealed by any  
2 Commissioner to the Civil Service Commission.

3 4. Access to Information. Except as prohibited by federal or state law, and as provided for  
4 under Section Four, Subsection C herein, the Civilian Oversight Commissioner shall have original  
5 subpoena power and access to any and all information related to their purpose as set forth in  
6 Section Three herein. Additionally, the Civilian Oversight Commissioner shall assist the Civilian  
7 Oversight Board and Detention Facilities Oversight Board in obtaining access to information  
8 including but not limited to the records and documents detailed in Section Eight, Subsection C  
9 herein. All law enforcement officials shall provide the Civilian Oversight Commissioner access  
10 to, or shall assist them in obtaining access to, any and all information as may be required in order  
11 to fulfill their responsibilities and purpose under this ordinance.

12 5. Support the COB and DFOB. Provide support to the COB and DFOB in timely  
13 investigating, providing information and access to information to the COB and DFOB as provided  
14 herein, and work to assist and support the COB and the DFOB in their preparation and execution  
15 of the Annual Oversight Work Plans and Annual Oversight Reports.

16 6. Share Information. Except as prohibited by federal or state law and except for compelled  
17 statements under Garrity v. New Jersey, 385 U.S. 493 (1967), to share investigative information  
18 from the Public Integrity Unit to the Division of Civilian Oversight consistent with best practices  
19 in criminal investigation and professional standards.

20 7. Recommend improvement and reforms. In consultation with COB, DFOB and with input  
21 from members of the public the Civilian Oversight Commissioner shall have the authority and  
22 duty to propose or recommend adoption, revision or modification of Division of Police or Division

1 of Corrections policies, procedures and operations. The Police Commissioner and Corrections  
2 Commissioner shall provide responses in writing to such recommendations within sixty days of  
3 the recommendation being submitted.

4 8. Provide Timely Assistance & Information To Surviving Families. In consultation with  
5 the Director of Public Safety, City Counselor, Circuit Attorney, and Police Commissioner, the  
6 Civilian Oversight Commissioner shall have the authority and duty to provide timely assistance  
7 and information to surviving families in cases of death or serious bodily injury arising from an  
8 alleged Police Incident or an alleged Corrections Incident, consistent with investigative needs as  
9 determined by the Civilian Oversight Commissioner, Director of Public Safety, Police  
10 Commissioner, Circuit Attorney and City Counselor and as permitted by law, including that:

11 a. the family, through any immediate known next of kin of the deceased or seriously  
12 injured, is promptly notified within three days upon verification of the identity of the decedent;

13 b. the family of a deceased or seriously injured person, through known immediate next of  
14 kin, is promptly notified within three days of the location of the deceased's body and given access  
15 to the body or injured person as soon as practicable, while complying with existing law(s);

16 c. the incident giving rise to the death or serious bodily injury is subject to an independent,  
17 impartial and comprehensive investigation;

18 d. the family of the deceased or seriously injured individual, through known immediate  
19 surviving next of kin, is given access to written reports, footage, and other public records relating  
20 to the incident at least twenty four hours before they are shared with the public, opened or become  
21 open records under the Missouri Sunshine Law; As appropriate and permitted by law, the Division  
22 of Civilian Oversight shall proactively provide updates to the family of the deceased or seriously

1 injured individual on the status of the inquiry. Any updates involving an active criminal  
2 investigation or case shall be made in consultation with the Circuit Attorney;

3 9. Grant funding. On behalf of and at the request of and in consultation with the COB and  
4 DFOB, the Division of Civilian Oversight may seek grant funding concerning any matter, issue,  
5 or undertaking within the purposes and missions of the COB or DFOB.

6 10. Semi-Annual Meetings. Meet with the Mayor on a semi-annual basis, and Public Safety  
7 Committee of the Board of Alderman on an annual basis, or more frequently at the request of the  
8 Board of Aldermen or the Mayor, to discuss and hear public testimony on topics relevant to the  
9 purpose of the Division of Civilian Oversight. The minutes of each meeting will be posted online  
10 promptly and not later than within 10 days following such meeting.

11 11. Status Reports to Complainants. Provide timely updates and notifications to  
12 Complainants as to the status of their complaints, including final findings upon the closure of the  
13 investigation.

14 B. Non-Interference. No administrative or disciplinary investigation activity of the  
15 Division of Civilian Oversight, including the activities of the COB or the DFOB, shall interfere  
16 with any criminal investigation or civil litigation. Any claimed conflict between the Division  
17 of Civilian Oversight Professional Standards Inquiry and Division of Police criminal  
18 investigation, or Public Integrity Unit investigation including allegations of interference  
19 with the performance of police duties, shall be determined and resolved by order of the  
20 Director of Public Safety. When the Civilian Oversight Commissioner is notified by the Director  
21 of Public Safety, Circuit Attorney or City Counselor or Commissioner of Police that an  
22 investigation may interfere with a criminal investigation or civil litigation involving the City, the

1 Civilian Oversight Commissioner shall avoid such interference by taking such steps as may be  
2 required by the Director of Public Safety, up to and including staying the potentially interfering  
3 Professional Standards Inquiry until such time as it will not interfere with other authorities or  
4 courts with jurisdiction over the matter or with the criminal investigation or civil litigation. Any  
5 such stay shall be reported to the COB or DFOB, depending on whether the incident or misconduct  
6 pertains to police or corrections. Details regarding the rationale for such stays shall also be reported  
7 to the COB and DFOB as permitted by law. As to civil litigation matters, not later than every ~~six~~  
8 one hundred and eighty (180) days after such notification, the City Counselor shall provide an  
9 update in writing of the status of the request that such potentially interfering investigation  
10 continued to be stayed and the reasons supporting the continued stay.

11 C. Subpoena Power. In the course of any investigation conducted under the provisions of  
12 this Ordinance, the Civilian Oversight Commissioner shall have the power to administer oaths, to  
13 subpoena and require the attendance of witnesses within the City, including custodians of records  
14 for private and corporate entities conducting business within the city, and the production by them  
15 of books, papers, videos, medical records, phone and internet records, bank records, and other  
16 records or documents of any description in any medium pertinent to any matter of inquiry and to  
17 examine such witnesses under oath, in relation to any matter properly involved in such proceeding.  
18 The Civilian Oversight Commissioner shall also administratively support the COB and DFOB in  
19 their exercise of their independent subpoena power pursuant to a majority vote of the COB or  
20 DFOB. In accordance with the process set out in this ordinance, the Civilian Oversight  
21 Commissioner shall issue appropriate subpoenas requiring the production of books, papers, videos,  
22 medical records, phone and internet records, bank records and any other records requested by COB

1 and/or DFOB and compelling the attendance of witnesses to provide testimony under oath before  
2 the requesting oversight boards. In the event one or more members of the COB or DFOB are  
3 unavailable or unable to participate in the properly noticed meeting at which a vote to exercise the  
4 power of subpoena is taken, the vote shall be taken among those members who are available and  
5 able to participate in a vote and such power shall be exercised by the Civilian Oversight  
6 Commissioner on a vote of two-thirds of those members who participate, so long as at least 6  
7 members are present to constitute a quorum. For all such purposes, the Civilian Oversight  
8 Commissioner or their authorized representative may invoke the power of any court of record in  
9 the City, or judge thereof, in term time or vacation, to compel the attendance and testimony of  
10 witnesses including custodians of records for private and corporate entities conducting business  
11 within the city, and the production by them of books, papers, videos, medical records, phone and  
12 internet records, bank records or any other records, in compliance with such subpoenas. Every  
13 such writ of subpoena shall be signed by the Civilian Oversight Commissioner or their designee,  
14 and except in the case of subpoenas issued by the DFOB or COB, shall be attested to by the lead  
15 Civilian Oversight Investigator assigned to the matter that is the subject of the subpoena and shall  
16 be served and the return thereof made by any means allowable under applicable law. All witnesses  
17 so subpoenaed, who are not employees of the City, shall be entitled to the same fees as are allowed  
18 in civil cases in courts of record.

19 D. Confidentiality. The Division of Civilian Oversight, COB and DFOB and Civilian Oversight  
20 Staff and Civilian Oversight Investigators shall when required by law, ordinance or Civil Service  
21 Commission Rule maintain the confidentiality of any file, record, or data received pursuant to their  
22 official duties and be bound by rules of confidentiality including with respect to any personnel,

1 disciplinary, and other confidential documents that they review. In addition to any penalties  
2 otherwise provided by law it shall be a violation of this ordinance for anyone employed by or  
3 assigned to the Division of Civilian Oversight or COB or DFOB to disclose confidential  
4 information to anyone other than another assigned to or employed by the Division of Civilian  
5 Oversight or COB or DFOB, Civilian Oversight Staff, Civilian Oversight Investigators, the City  
6 Counselor's office, the Mayor or their designees, the Director of Public Safety or the Director of  
7 Public Safety's designees, Circuit Attorney or their designees or authorized Division of Police or  
8 Corrections Division personnel. In addition to any other remedies provided by law, any person  
9 who is found to have engaged in or facilitated such unlawful disclosure and to have released  
10 confidential information to any person unauthorized to receive such information may immediately  
11 be disqualified from serving on the COB or DFOB or to continue employment by the Division of  
12 Civilian Oversight. If the Division of Civilian Oversight, or COB or DFOB have any questions  
13 pertaining to the Sunshine Law or confidentiality, they must contact the City Counselor and must  
14 act according to legal advice provided by the City Counselor or special counsel procured by the  
15 City Counselor. If there is any question concerning the confidential nature of a document or  
16 information, such question must be resolved in favor of the document or information as  
17 confidential until City Counselor or special counsel retained by the City Counselor instructs  
18 otherwise. Subject to appropriation, the Civilian Oversight Commissioner may request that the  
19 City Counselor provide, and the City Counselor may, in their sole discretion and subject to the  
20 requirements of City Code Section 3.10.050, retain special counsel to advise the Division of  
21 Civilian Oversight, including actionable advice on the Sunshine Law, previous provisions  
22 notwithstanding. The decision to grant such request, and the selection of special counsel,

1 however, is exclusively vested in the sound discretion of the City Counselor. The City Counselor  
2 shall communicate the rationale for any decision not to procure special counsel to the Division of  
3 Civilian Oversight in writing.

4 **SECTION FIVE. Complaint System, Case Management, Criminal Justice Information &**  
5 **Annual/Quarterly Reports.**

6 A. Complaint System. The Division of Civilian Oversight in consultation with the COB,  
7 DFOB, Commissioner of Police, Commissioner of Corrections and the City Counselor shall  
8 develop systems for receiving, processing, and administering complaints including the creation  
9 and utilization of a single, standardized complaint intake form, and coordinate with the Division  
10 of Police, the Division of Corrections, the COB and the DFOB to implement the system. All  
11 complaints, including Internal Resolution Requests, no matter where received, shall be provided  
12 in a timely manner to the Division of Civilian Oversight and to the appropriate oversight board.  
13 No written complaint shall be dismissed or denied without first conducting reasonable inquiry.

14 B. Standard Complaint Form. The complaint form shall be written in clear language and  
15 with the intention of aiding readers' comprehension and understanding of the complaint form and  
16 complaint process, including through multi language translations.

17 C. Case Management System. The Division of Civilian Oversight shall, in consultation  
18 with the Director of Public Safety, Circuit Attorney, COB, DFOB, Commissioner of Police,  
19 Commissioner of Corrections and City Counselor, adopt or develop a case management system  
20 for complaints and matters that are the subject of investigations, which shall include a system for  
21 classifying different types of complaints, protocols for investigating complaints and incidents,  
22 monitoring investigations, and ensuring the information is timely and appropriately shared from

1 the Public Integrity Unit to the Division of Civilian Oversight. Information may not be shared  
2 between Division of Civilian Oversight and the Public Integrity Unit where prohibited by state of  
3 federal law then in effect, and information protected under Garrity v. New Jersey, 385 U.S. 493  
4 (1967) shall not be shared from the Division of Civilian Oversight to the Public Integrity Unit and  
5 shall be held confidential in accordance with all applicable law to protect the integrity of any  
6 subsequent criminal prosecution.

7 D. Criminal Justice Information. The Division of Civilian Oversight shall consult with the  
8 COB, DFOB, Commissioner of Police and Commissioner of Corrections and representatives of  
9 the Regional Justice Information System (REJIS) Commission to ensure that it is organized and  
10 provides such training and institutes such controls as may be required for Civilian Oversight  
11 Investigators to obtain and at all times retain access to and good standing under protocols and  
12 regulations governing shared criminal justice information.

13 E. Annual Accountability Report. The Division of Civilian Oversight shall prepare an  
14 annual report and, after review and comment by the COB and DFOB, address it to the Mayor,  
15 Board of Aldermen, and Chairperson of the Public Safety Committee and present it at a public  
16 meeting, and invite public comment at least thirty, but no more than sixty days prior to the end of  
17 each fiscal year. The annual report shall be published online simultaneously with its submission.

18 The annual report shall contain the following:

19 1. A list of completed investigations by the Division of Civilian Oversight that resulted in  
20 sustained charges or discipline which includes a general description of the sustained charge, the  
21 disciplinary action taken, and a statistical summary of completed investigations that resulted in  
22 sustained charges or discipline. Individually identifiable employee, victim, or witness information



1 shall not be included in the annual report and no information shall be included in the annual report  
2 that would render the report a closed record under state or federal law then in effect.

3 2. Reports on any matter properly within the scope of the Division of Civilian Oversight's,  
4 COB's or DFOB's purpose, authority or duties as may be requested by the Mayor, Board of  
5 Aldermen and Chairperson of the Public Safety Committee.

6 3. Reports regarding any matter properly within the scope of the Division of Civilian  
7 Oversight's purpose and duties and that the Division of Civilian Oversight may deem appropriate.

8 4. A statement of the Division of Civilian Oversight rules, policies and procedures for its  
9 investigative and monitoring activities.

10 F. Quarterly Reports. The Division of Civilian Oversight shall compile a summary report  
11 for each quarter and shall submit copies of the report to the Mayor, Board of Aldermen and  
12 Chairperson of the Public Safety Committee. Quarterly reports shall cover the preceding quarter  
13 and must be submitted to the Mayor, Board of Aldermen and the Chairperson of the Public Safety  
14 Committee and simultaneously posted online within ten days of the end of the quarter. Quarterly  
15 reports shall contain the following:

16 1. A list of completed investigations by the Division of Civilian Oversight that in the  
17 preceding quarter resulted in sustained charges or discipline which includes a general description  
18 of the sustained charge, the disciplinary action taken, and a statistical summary of completed  
19 investigations that resulted in sustained charges or discipline. Individually identifiable employee,  
20 victim, or witness information shall not be included in the annual report and no information shall  
21 be included in the annual report that would render the report a closed record under state or federal  
22 law then in effect.

1           2. A list of all investigations that were concluded during the quarter and summaries of the  
2 related investigative reports.

3           3. Such other matters that occurred during the quarter that in the judgment of the Civilian  
4 Oversight Commissioner should be included in the quarterly report.

5 **SECTION SIX. Budget, Civilian Oversight Staff and Investigators, Office/Meeting Space.**

6           A. The Department of Public Safety shall include the Division of Civilian Oversight as  
7 part of its annual budget requests. The Division of Civilian Oversight shall comply with the budget  
8 and other financial processes in the City's Charter.

9           B. The Division of Civilian Oversight shall be directed by the Civilian Oversight  
10 Commissioner and supported by the Civilian Oversight Staff and Civilian Oversight Investigators.

11           C. The Mayor and Director of Public Safety shall ensure that the Division of Civilian  
12 Oversight is provided adequate office and meeting space for its staff and all supplies, resources,  
13 and equipment reasonably necessary for the conduct of its business and performance of its duties,  
14 including the meetings and proceedings of the COB and DFOB. The Division of Civilian  
15 Oversight's office space shall be in a secure location.

16 **SECTION SEVEN. Public Integrity Unit.**

17           A. Pursuant to the Circuit Attorney's authority under Chapter 56 of the Revised  
18 Missouri Statutes, and subject to enabling appropriations, and in accordance with an executed  
19 memorandum of understanding approved by the Director of Public Safety, the Circuit Attorney  
20 may, in his or her discretion and in accordance with the provisions of this ordinance, establish a  
21 Public Integrity Unit for the purposes of investigating police and detention incidents and  
22 misconduct and prosecuting criminal conduct. The Circuit Attorney may also, in his or her

1 discretion, provide the COB, DFOB and public with an annual report detailing the Public Integrity  
2 Unit's activities and findings as permitted by law.

3 B. The Director of Public Safety is authorized to enter into a memorandum of  
4 understanding with the Office of the Circuit Attorney setting forth the agreed upon rules and  
5 procedures governing simultaneous professional standards and public integrity inquiries and  
6 delineating the duties and authorities of the Public Integrity Unit, Division of Civilian Oversight,  
7 and Division of Police.

8 C. The matters that may be determined by such Memorandum include but need not be  
9 limited to: Protocols governing control and supervision of the scene of a Police or Corrections  
10 incident, collection, and custody of evidence, and setting out the respective roles, responsibilities  
11 and authorities of police officers (i.e. securing the scene), civilian oversight investigators (i.e.  
12 observing and recording the scene), and public integrity investigators (i.e. evidence collection) at  
13 the scene of police or correctional incidents or misconduct.

14 1. Protocols governing witness and employee interviews, ensuring that civilian oversight and  
15 public integrity investigators receive access to witnesses and employees upon request, except that,  
16 where civilian oversight investigators request statements from law enforcement officers under  
17 administrative investigation or from law enforcement officers who reasonably believe that  
18 administrative questioning could lead to disciplinary action, demotion, dismissal, transfer, or  
19 placement on a status that could lead to economic loss, such statements shall be requested and  
20 obtained in accordance with and subject to state law then in effect. Protocols shall also be  
21 developed and enacted that protect criminal inquiries from contamination by ensuring that all  
22 information collected by the Division of Civilian Oversight is securely segregated and kept

1 confidential from and not shared with criminal investigators so as to preserve the integrity of  
2 criminal investigations.

3 2. Protocols governing simultaneous investigations between the Public Integrity Unit,  
4 Division of Civilian Oversight, and Division of Police, including cases in which a Police Incident  
5 or Detention Incident also involves an alleged crime committed by a civilian. Such protocols shall  
6 be designed to permit all investigations to proceed unimpeded whenever possible.

7 3. Protocols governing the documentation of the Public Integrity Unit and Professional  
8 Standards Inquiries. Such protocols shall be designed to ensure the development of a complete  
9 record, including but not limited to a detailed camera recording of the scene and incident report.

10 **SECTION EIGHT. Creation of COB; Oversight Work Plans for COB and DFOB.**

11 A. Reconstituted COB, newly formed DFOB housed as part of Division of Civilian  
12 Oversight. There is reestablished and reconstituted and appointed as part of the Division of Civilian  
13 Oversight an independent citizen board organized and authorized to provide Oversight and render  
14 advice, and policy recommendations concerning matters falling within the jurisdiction of the  
15 Division of Civilian Oversight as set forth in this Ordinance known as the Civilian Oversight Board  
16 (COB). The Detention Facilities Oversight Board (DFOB) created under Ordinance Number  
17 71430 shall be situated as part of the Division of Civilian Oversight, with the Civilian Oversight  
18 Commissioner having the authority and assuming the duties of its Director and the Civilian  
19 Oversight Investigators and Civilian Oversight Staff being substituted for and assuming the duties  
20 of the DFOB Investigators.

21 B. Development and Execution of Annual Oversight Work Plans. The COB shall have the  
22 duty and broad authority and discretion to formulate, develop, and execute an Annual Oversight

1 Work Plan, which shall be the written plan as the COB may determine for programs, initiatives,  
2 projects, and routine and ongoing tasks in the forthcoming fiscal year setting forth each entity's  
3 purpose, priorities, goals, timelines and means of measuring progress in the fiscal year (or part  
4 thereof) ahead to promote constant improvement in operations and professionalism, respectively,  
5 of the Division of Police and Division of Corrections, which reports shall be prepared in  
6 consultation with the Civilian Oversight Commissioner and with the assistance of the Civilian  
7 Oversight Staff and with their initial Work Plan of each published on the City website within 180  
8 days of their organization and thereafter not later than July 1 of each year on the City website.

9 C. Access to Information. Except as prohibited by this Ordinance or by federal or state law  
10 and subject to the provisions and proscriptions of Ordinance Number 71430, the COB & DFOB  
11 shall have access to any and all information related to their mission, duties and official activities,  
12 and the Civilian Oversight Commissioner, with the full cooperation of the Commissioners of  
13 Police and Corrections, shall provide the COB and DFOB reasonable access, or shall assist them  
14 in obtaining reasonable access, to information including but not limited to the following:

15 1. Records of all Complaints, Police Incidents, Police Professional Misconduct, Detention  
16 Incidents and Corrections Professional Misconduct.

17 2. Data constituting or relating to complaints, incidents, patterns or practices of misconduct,  
18 and other matters including, but not limited to, Division of Police or Division of Corrections policy  
19 directives, and detention facility conditions, operations and maintenance.

20 3. The proceedings and status of Professional Standards Inquires.

1           4. Interviews with complainants, witnesses, Division of Police and Division of Corrections  
2 employees, and detainees in relation to investigation activities, including but not limited to access  
3 to transcripts, Garrity statements and opportunity to observe interviews when practicable.

4           5. Documents including but not limited to, policy directives, contracts, budgets, MOUs and  
5 any other documents relating to subjects including but not limited to police or correctional policies,  
6 procedures and operations, detainees, facility operations and maintenance, and Police or  
7 Correctional employees.

8           6. Records of completed investigations, whether conducted by the Division of Civilian  
9 Oversight, Circuit Attorney's Office, or previously by the Force Investigative Unit or Division of  
10 Internal Affairs.

11          7. Access to the Regional Justice Information System files and data, including IAPro and any  
12 other data storage system containing personnel or investigative files, as permitted by state or  
13 federal law.

14          8. Access to detention facilities as may be reasonable in light of the then current  
15 circumstances, conditions and operations.

16          9. Access to examine physical evidence, in consultation with the Division of Civilian  
17 Oversight, Division of Police, Circuit Attorney's Office, or other relevant law enforcement  
18 entities.

19           D.     Subpoena Power. The COB & DFOB shall each have the power to administer oaths,  
20 to subpoena and require the attendance of witnesses located within the City including custodians  
21 of records for private and corporate entities conducting business within the city and the production  
22 by them of books, papers, videos, medical records, phone and internet records, bank records or

1 other records pertinent to any matter of inquiry and to examine such witnesses under oath in  
2 relation to any matter properly within the scope of its mission and duties. The COB and DFOB  
3 shall each have original subpoena power to be exercised by majority vote of COB and DFOB  
4 members in attendance at a meeting properly noticed, with the Civilian Oversight Commissioner  
5 acting administratively on behalf of the board exercising its power, as required by Section Four C,  
6 hereof.

7 E. Information Sharing with County Offices. The COB and DFOB, with the assistance  
8 of the City Counselor, shall be authorized to negotiate and agree to protocols and agreements  
9 regarding the gaining of access, production and examination of information relevant to their  
10 Oversight authority that may be held by the Offices of the Circuit Attorney, Medical Examiner  
11 and/or Sheriff's Department.

12 F. Work Impeded. In the event the COB or DFOB by majority vote believes they are  
13 not being provided adequate support or access to information and, thus, that their work is being  
14 impeded, they shall bring their complaints in writing directly to the Mayor of the City of St. Louis  
15 and the Chair of the Public Safety Committee of the Board of Aldermen.

16 G. Annual Oversight Reports. The COB shall prepare an Annual Oversight Report,  
17 which shall be a written report that describes the programs, initiatives, projects, and routine and  
18 ongoing tasks undertaken in the preceding fiscal year by the COB, prepared and published with  
19 the assistance of Civilian Oversight Staff not later than August 1 of each year on the City website,  
20 setting forth how the Board made continuous progress advancing its purpose, priorities, goals,  
21 timelines and means of measuring progress as had been set forth in their Work Plans for the fiscal

1 year just completed. The COB may supplement the Annual Oversight Report by such periodic  
2 reports as it sees fit.

3 H. Special Counsel. Subject to appropriation, and request to the City Counselor on  
4 majority vote of the COB or DFOB and for good cause shown, the COB or DFOB may request  
5 that the City Counselor provide, and the City Counselor may in their sole discretion and subject to  
6 the requirements of City Code Section 3.10.050, retain special counsel to advise the COB and/or  
7 DFOB on such matters requiring such advice, including actionable advice on the Sunshine Law,  
8 previous provisions notwithstanding. The decision to grant of such request, and the selection of  
9 special counsel is exclusively vested in the sound discretion of the City Counselor. The City  
10 Counselor shall communicate the rationale for any decision not to procure special counsel to the  
11 DFOB or COB in writing.

12 I. Service Provider Agreements. All agreements for the provision of services at  
13 Detention Facilities, the transport of detainees, outside healthcare services or other outside care  
14 services for detainees, or for the housing of detainees at outside facilities shall contain a provision  
15 which requires the service provider to cooperate with DFOB investigations of complaints and  
16 incidents which have a direct relationship to the services provided including interviewing service  
17 providers' employees.

18 J. Non-Interference. The DFOB and COB shall not interfere with any criminal  
19 investigation or civil litigation. Where the DFOB or COB is notified in writing by the City  
20 Counselor, Commissioner of Police, or Circuit Attorney that a DFOB or COB investigation or  
21 other activity may interfere with a criminal investigation or civil litigation involving the City, the  
22 DFOB shall avoid such interference by, among other things, staying the potentially interfering



1 activity until such time as it will not interfere with the investigations of authorities or courts with  
2 jurisdiction over the matter. As to civil litigation matters, not later than one-hundred and eighty  
3 (180) days following such notice from the City Counselor, the City Counselor shall provide the  
4 DFOB a written update of the status of the request that potentially investigative activities continue  
5 to be stayed and the reasons supporting the continued stay.

6 K. Confidentiality. The DFOB and COB shall, when required by federal or Missouri  
7 state statute, City ordinance, or the City's written policies and practices, maintain the  
8 confidentiality of any file, record, or data received pursuant to or in the course of official DFOB  
9 or COB activities and shall be bound by rules of confidentiality specifically including those  
10 regarding City personnel and employee discipline. In addition to any penalties provided by law it  
11 shall be a violation of this Ordinance for DFOB or COB, or anyone assigned to or employed by  
12 the DFOB or COB as provided in this Ordinance, to disclose confidential information to anyone  
13 other than staff and individuals assigned to the DFOB or COB as provided in this Ordinance, the  
14 City Counselor's office, the Director of Public Safety, or authorized Division of Civilian Oversight  
15 employees. Any person who is found to have engaged in or facilitated the disclosure of confidential  
16 information in violation of this provision shall immediately be disqualified from serving as a  
17 member of the DFOB or COB or to continue their employment by the City. If the DFOB or COB  
18 have any questions pertaining to the Sunshine Law or confidentiality, they shall contact the City  
19 Counselor or the City Counselor's designee and must follow the legal counsel provided by the City  
20 Counselor. If there is any question concerning the confidential nature of a document or  
21 information, such question must be resolved in favor of the document or information being  
22 confidential until a legal opinion from the City Counselor is rendered.

1       **SECTION NINE.** Members, Qualifications & Diversity of COB.

2           A.       Members: The COB shall consist of Nine (9) members of the public nominated by  
3       the Mayor of the City of St. Louis and confirmed by the Board of Aldermen. To the extent  
4       practicable, appointments shall be broadly representative of the city’s diversity and shall include  
5       members with knowledge and/or experience in the fields of human resources practices,  
6       management, policy development, auditing, law, investigations, law enforcement, youth  
7       representation, civil rights and civil liberties, public health, medicine and healthcare, social work  
8       as well as representation from communities experiencing the most frequent contact with the  
9       Division of Police and the Division of Corrections. Background checks shall be required for all  
10      members. Members shall be issued identification cards, but shall not be issued and shall not  
11      display, wear, or carry badges that so resemble a peace officer's badge that an ordinary reasonable  
12      person would believe that members have the authority of a peace officer. In addition to any other  
13      requirements or qualifications hereunder, at least one member of the COB and the DFOB shall be  
14      at the time of their appointment between the ages of 18 and 24 years old.

15          B.       COB Districts: There shall be at least one and not more than two COB members  
16      who reside in each of the seven (7) Civilian Oversight Board Districts (“COB Districts”). Each  
17      COB District shall consist of two (2) Aldermanic wards, as defined pursuant to Ordinance 71443,  
18      as follows:

19                  District One: Wards 1 and 2

20                  District Two: Wards 4 and 5

21                  District Three: Wards 3 and 6

22                  District Four: Wards 7 and 8

District Five: Wards 9 and 10

District Six: Wards 11 and 14

District Seven: Wards 12 and 13

a. Qualifications: To qualify for nomination, confirmation, and continued service on the COB, an individual must satisfy all following qualifications:

1. The individual must be a resident of the City of St. Louis.

2. The individual must have reached the age of eighteen (18) by the date that they will take office as a member of the COB.

3. The individual must not hold or be a candidate for any public office.

4. The individual must not be an employee of the City of St. Louis or of the State of Missouri.

5. The individual may not have an immediate family member who is currently employed by the Division of Police.

6. The individual may not be a current sworn police officer or corrections officer or a representative or employee of an employee association representing sworn police officers

7. Only residents who are and can be fair and impartial should be nominated or appointed. Members shall always judge cases on an individual basis, not categorically favor a complainant or accused, and shall act and make decisions based only upon the facts and the evidence before them.

**SECTION TEN. Appointment, Term of Office, Removal, Vacancy, No Compensation.**

A. Appointment Process: COB members shall be confirmed as follows:

1           1.       Recommendation: Within thirty days of the effective date of this Ordinance and  
2       within fifteen days of any vacancy on the COB, the Office of the Mayor shall post an application  
3       form online and within forty-five days after such posting the Clerk of the Board of Aldermen shall  
4       deliver to the Office of the Mayor the names of any qualified individuals recommended by  
5       Aldermen for such positions.

6           2.       Nomination: Within thirty (30) days of receipt of applications and recommended  
7       names, the Mayor shall deliver to the Board of Aldermen nominations for vacant COB positions.  
8       The Mayor may nominate any qualified person to serve as a COB member however, before  
9       nominating a COB member, the Mayor shall consider for nomination any individual recommended  
10      by the Aldermen.

11          3.       Confirmation: Within ninety days of the Mayor's nomination, the Public Safety  
12      Committee of the Board of Aldermen shall hold public hearings with public testimony concerning  
13      the nominees and the full Board of Aldermen shall vote on whether to confirm the nominees. If a  
14      majority of the members of the Board of Aldermen vote to confirm a nominee, the nominee shall  
15      be appointed as a COB member. In the event an individual is not confirmed by a majority of the  
16      Board of Aldermen, the Mayor shall deliver to the Board of Aldermen a new nominee for the COB  
17      within thirty days of the Board of Aldermen voting not to confirm the prior nominee.

18          4. If there is a vacancy on either the COB or DFOB for more than a year, the Director of  
19      Public Safety, the President of the Board of Aldermen, and the Chair of the Public Safety  
20      Committee, shall each identify a candidate, none of whom may have been previously nominated  
21      to and rejected by the Board of Aldermen, and one of these shall be appointed by the Mayor as a  
22      COB member.

1           B. Term of Office:

2           1.       Except as provided in this Section for initial members all COB members shall be  
3 appointed for three-year terms. No member shall serve on the COB for more than two consecutive  
4 three-year terms provided, however; an initial member appointed for a term of less than three years  
5 and members appointed to finish the unexpired term of a member shall be eligible to serve two  
6 consecutive, full three-year terms. Notwithstanding anything to the contrary stated herein,  
7 members currently serving the Citizens Oversight Board (“COB”) established under Ordinance  
8 Numbers 69984 or 71556 at the time of this Ordinance’s enactment shall for the time remaining  
9 on their COB terms be deemed initial members of the COB hereunder.

10          2.       The initial members of the COB shall have staggered terms as follows: For the  
11 COB, selected by random drawing, four members shall serve three-year terms and three members  
12 shall be appointed serve two-year terms.

13          C. Member removals. Upon good cause the COB may vote to request the Board of  
14 Aldermen to act to remove a member. Within five days following the vote the Civilian Oversight  
15 Commissioner shall send the request in writing to the Board of Aldermen and shall send a copy of  
16 the request to the Mayor and Chairperson of the Public Safety Committee. Within sixty days  
17 following their receipt of the request the Board of Alderman shall vote whether to approve the  
18 request with a majority of the members of the Board of Aldermen voting in favor of the request  
19 needed for approval. If the Board of Aldermen does not act within this sixty-day time period, the  
20 request shall be deemed denied. Following receipt of the request from the Civilian Oversight  
21 Commissioner and before an aldermanic vote is taken, the right to vote on Board matters shall be  
22 suspended.

1 D. Vacancies. Vacancies on the COB occasioned by resignation, expiration of term, loss  
2 of qualifications, or otherwise, shall be reported in writing to the Mayor and the Board of Aldermen  
3 by the Civilian Oversight Commissioner. The vacancy shall be filled as set forth in the  
4 Appointment Process section of this ordinance. Appointments to fill vacancies shall be for the  
5 unexpired portion of a term.

6 E. Compensation. As required by RSMo 590.653, board members shall serve without  
7 compensation.

8 **SECTION ELEVEN. Proceedings and Officers for the COB.**

9 A. Rules. At its initial meeting the COB shall adopt rules to govern their proceedings, and  
10 may thereafter amend, revise, or otherwise modify their rules, as deemed appropriate. The COB  
11 shall, with the advice of the City Counselor, prepare and adopt necessary rules, policies and  
12 procedures for the conduct of their business and shall conduct themselves in accordance therewith.  
13 Deliberations about the creation of such rules, policies and procedures shall be considered open  
14 meetings in accord with the Missouri Sunshine Law. Copies of said rules shall be available to the  
15 public on the city's website and included in the COB's annual report.

16 B. Meetings. The COB shall meet as they deem necessary, but in no event shall they meet  
17 less than six-times per year with at least one meeting held in each quarter. The COB may vote to  
18 close a meeting as may be permitted by law, including section 610.021 of Missouri's Sunshine law  
19 provided, however; where the matters taken up by the COB concern the disciplining of an  
20 identified or identifiable Division of Police or Division of Corrections employee, personally  
21 identifiable healthcare records, a juvenile detainee, or where an individual detainee is personally  
22 identified or identifiable the COB shall, as may be permitted by law, close the meeting or the

1 portion of the meeting that the matter is before it. The COB shall comply with the requirements  
2 for closed meetings in section 610.021 of Missouri's Sunshine law. The COB shall allow adequate  
3 time for public comment at each meeting.

4 C. Officers. The COB shall elect a chairperson, vice chairperson, and secretary at their  
5 initial meetings and annually thereafter except when otherwise required. COB officers shall serve  
6 one-year terms and shall not serve for more than two consecutive one-year terms but may be  
7 reelected to a position after a break in service of not less than twelve months, provided, however;  
8 officers elected to fill a vacancy for the remainder of an unexpired term shall be allowed complete  
9 two consecutive one-year terms.

10 D. COB Records and Record Maintenance. The COB shall maintain and retain records of  
11 its proceedings, inquiries, reports, and other materials that constitute records under the Missouri  
12 Sunshine Law. The COB Commissioner, or his or her designee, is designated as the COB custodian  
13 of records for purposes of Missouri's Sunshine law.

14 E. Orientation. The COB, in cooperation with the Civilian Oversight Commissioner and  
15 Civilian Oversight Staff, shall develop and participate in an orientation program for new DFOB  
16 and COB members and incoming members of the Civilian Oversight Staff, which shall cover  
17 relevant operations of the Division of Police. The program shall also cover COB member  
18 responsibilities with respect to confidentiality, Missouri's Sunshine Law, citizens', detainees', and  
19 City employees' rights under the Constitution and state and federal laws, and state and federal laws  
20 governing police and detention facility operations, conditions and treatment of detainees,  
21 procedural justice, conflict resolution, national standards of constitutional policing, best practices

1 for conducting investigations, and labor rights and laws, and history of the relationships between  
2 people of color and the economically poor and the police and correctional officers.

3 F. Conflict of Interest. No member of the COB shall participate in any matter in which they  
4 or any member of their family is a party or a witness or has a financial or professional interest or  
5 that otherwise presents a conflict of interest, real or perceived, of such magnitude that it calls into  
6 question the impartiality of the proceedings. A conflict of interest may be raised by any member  
7 of the COB and any question concerning whether a conflict disqualifies a member from  
8 participating in a particular matter shall be resolved conclusively by the City Counselor, in writing,  
9 but with no right of appeal.

10 **SECTION TWELVE. Effective Dates, Transition Period and Severability.**

11 It is hereby declared to be the intention of the Board of Aldermen that each and every part, section  
12 and subsection of this Ordinance shall be separate and severable from each and every other part,  
13 section and subsection hereof and that the Board of Aldermen intends to adopt each said part,  
14 section and subsection separately and independently of any other part, section and subsection. If  
15 any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful  
16 or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force  
17 and effect, unless the court making such finding shall determine that the valid portions standing  
18 alone are incomplete and are incapable of being executed in accord with the legislative intent. It is  
19 hereby declared to be the intention of the Board of Aldermen that the provisions of this ordinance  
20 be interpreted in accordance with relevant state and federal law, and shall repeal and supersede  
21 any contrary local law. Notwithstanding, certain authority and actions provided for hereunder may  
22 be dependent on an adoption of rules by the Civil Service Commission, the entering into a



1 Memorandum of Understanding between the Director of Public Safety and Circuit Attorney, and  
2 the creation of civil service positions and hiring process and this Ordinance thus envisions and  
3 hereby provides for a reasonable transition during which preparatory actions may be undertaken  
4 with the operational dates of actions prescribed here held in abeyance and phased in and set by  
5 Executive Order of the Mayor, provided, however, that the transition shall be completed and all  
6 operational matters shall be or become effective and in place not later than 12 months after the  
7 ordinance becomes law.

## **ORDINANCE 71556**

### **Summary**

**Board Bill Number 47**

**Committee Substitute As Amended**

**Introduced by Alderwoman Shameem Clark-Hubbard**

**June 10, 2022**

This Board Bill authorizes independent investigations of law enforcement misconduct and use of force incidents. The bill repeals **Ordinance Number 69984**, as amended by **Ordinance Number 70532**, and enacts in lieu thereof an ordinance that reconstitutes and provides staff support for the Civilian Oversight Board (COB) and provides coordination and staff support for the Detention Facility Oversight Board (DFOB) created by Ordinance 71430. The bill also establishes the Division of Civilian Oversight within the Department of Public Safety and authorizes the establishment of the Public Integrity Unit, directed by the City Circuit Attorney.

## ORDINANCE 71556

**BOARD BILL NUMBER 47 COMMITTEE SUBSTITUTE AS AMENDED  
INTRODUCED BY ALDERWOMAN SHAMEEM CLARK-HUBBARD/ALDERMAN  
BRET NARAYAN/ ALDERWOMAN PAMELA BOYD/ ALDERMAN SHANE COHN/  
ALDERWOMAN MARLENE DAVIS/ ALDERWOMAN CHRISTINE INGRASSIA/  
ALDERMAN JESSE TODD/ ALDERMAN JAMES PAGE/ ALDERWOMAN ANNIE  
RICE/ ALDERWOMAN TINA PHIL/ ALDERWOMAN LISA MIDDLEBROOK/  
ALDERMAN DAN GUENTHER**

1 The proposed bill provides for independent investigations of law enforcement misconduct and  
2 use of force incidents. The bill repeals **Ordinance Number 69984**, as amended by **Ordinance**  
3 **Number 70532**, and enacts in lieu thereof an ordinance that reconstitutes and provides staff  
4 support for the Civilian Oversight Board (COB) and provides coordination and staff support for  
5 the Detention Facility Oversight Board (DFOB) created under Ordinance 71430. The bill also  
6 establishes the Division of Civilian Oversight within the Department of Public Safety, and  
7 authorizes the establishment of the Public Integrity Unit, directed by the Circuit Attorney in the  
8 City of St. Louis.

9 **WHEREAS**, the people of St. Louis hold a compelling interest in the transparent, even-  
10 handed, accountable and compassionate enforcement of the law; and

11 **WHEREAS**, investigations into police misconduct and use of force incidents are  
12 presently conducted by Internal Affairs and the Force Investigative Unit; and

13 **WHEREAS**, a history of violent confrontations and mistrust have decimated community  
14 confidence in the justice system, thereby hindering law enforcement's capacity to conduct  
15 effective investigations; and

16 **WHEREAS**, independent oversight and investigations will build trust between law  
17 enforcement and community; and

1           **WHEREAS**, marginalized communities and allies have fought for decades to establish  
2 robust institutions of civilian oversight; and

3           **WHEREAS**, the State of Missouri recognizes the authority of local governments to  
4 establish civilian oversight boards (see RSMO 590.653); and

5           **WHEREAS**, the Board of Aldermen passed Ordinance 69984 establishing the Civilian  
6 Oversight Board on April 20th, 2015; and

7           **WHEREAS**, the Civilian Oversight Board submitted various incidents to thorough  
8 review, and resulted in greater transparency; and

9           **WHEREAS**, the Board of Aldermen granted the Civilian Oversight Board subpoena  
10 power under Ordinance 70532, on February 10th, 2017; and

11           **WHEREAS**, the people of St. Louis elected a Circuit Attorney committed to holding  
12 police accountable on November 8th, 2016, and the city of St. Louis recognizes the right of the  
13 Circuit Attorney to conduct criminal investigations; and

14           **WHEREAS**, Mayor Jones issued Executive Order 1, directing the release of all SLMPD  
15 and Corrections complaints and data to the Civilian Oversight Board on April 26th, 2021; and

16           **WHEREAS**, the Board of Aldermen established the Detention Facilities Oversight  
17 Board pursuant to Ordinance 71430 on December 3rd, 2021; and

18           **WHEREAS**, this bill establishes the Division of Civilian Oversight to serve as an  
19 institutional home to the Civilian Oversight Board and Detention Facilities Oversight Board; and

20           **WHEREAS**, the division's professional investigative staff will have the capacity to  
21 conduct independent first-instance investigations of police misconduct; and

1           **WHEREAS**, the Commissioner of Civilian Oversight will have the authority, pursuant to  
2 corresponding Civil Service Rule, to discipline law enforcement officers;

3           **WHEREAS**, the Division of Civilian Oversight is tasked with providing administrative  
4 and research support to the COB and DFOB in order to enhance their capacity to make policy  
5 recommendations and interface with the public, as well as their other oversight roles; and

6           **WHEREAS**, the city of St. Louis recognizes the right of the Circuit Attorney to conduct  
7 criminal investigations into police misconduct and the need to coordinate that authority with  
8 other investigatory and oversight functions carried out by the city; and

9           **WHEREAS**, the purpose of the Division of Civilian Oversight is to strengthen the  
10 integrity of and public confidence in criminal justice institutions by promoting transparency,  
11 fairness and public accountability and conducting thorough, impartial, and independent  
12 Professional Standards Inquiries into misconduct and use of force incidents.

13 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

14           **SECTION ONE. Definitions.**

15           - “*Annual Oversight Report*” means the written reports by the COB and DFOB that  
16 describe the programs, initiatives, projects, and routine and ongoing tasks undertaken in the  
17 preceding fiscal year by the COB and DFOB to oversee and evaluate the Division of Civilian  
18 Oversight, Division of Corrections, Police Department, and other law enforcement and  
19 investigatory bodies as may be necessary. The Annual Oversight Report shall be prepared and  
20 published by the COB and DFOB with the assistance of Civilian Oversight Staff within one (1)  
21 year of the first meeting of each, with annual reports thereafter published not later than  
22 September 1 of each year. The Annual Oversight Report shall set forth how each Board sought to

1 make and made continuous progress in advancing their purposes, priorities, goals, timelines  
2 including but not limited to matters identified in the Annual Oversight Work Plan and the means  
3 of measuring (or grading) progress in the fiscal year just completed.

4 - “*Annual Oversight Work Plan*” means the written plans for programs, initiatives,  
5 projects, and routine and ongoing tasks in the forthcoming fiscal year by the COB and by the  
6 DFOB, each prepared with the assistance of the Civilian Oversight Staff and setting forth each  
7 entity’s purpose, priorities, goals, timelines and proposed means of achieving and measuring  
8 continuous progress in the fiscal year ahead. The COB and the DFOB shall for each Annual  
9 Oversight Work Plan invite, devise, and implement means reasonably calculated to elicit public  
10 input as to matters and initiatives that should be included in the coming year’s Annual Work  
11 Plan. The initial COB Work Plan and DFOB Work Plan shall be published within one (1) year of  
12 the first meeting of each, with annual plans thereafter published not later than July 1 each year.

13 - “Civilian Oversight Commissioner” means, as provided herein, the head of the  
14 Division of Civilian Oversight in the Department of Public Safety and supervisor of Civilian  
15 Oversight Investigators and Civilian Oversight Staff. The Civilian Oversight Commissioner shall  
16 be an employee of the City of St. Louis in classified service appointed by the Director of Public  
17 Safety, with their performance during the six-month working test period evaluated by the  
18 Director of Public Safety and be removable during their term only by the Director of Public  
19 Safety for cause. Subject to the qualifications determined by the Director of Personnel and/or the  
20 Civil Service Commission, such qualifications for the Commissioner of Civilian Oversight shall  
21 include substantial experience successfully conducting complex criminal, employment and/or  
22 ethics investigations, either as a licensed attorney or public sector professional investigator. In

1 order to prevent real or perceived conflicts of interest, and subject to the qualifications  
2 determined by the Director of Personnel and/or the Civil Service Commission, the  
3 Commissioner of Civilian Oversight shall have no history of employment as a police officer.

4 - "*Civilian Oversight Investigators*" means professional investigative staff, assigned by  
5 or subject to the approval of the Civilian Oversight Commissioner, who, under the direction of  
6 the Civilian Oversight Commissioner, shall conduct Professional Standards Inquiries. Civilian  
7 Oversight Investigators, in addition to being civilian employees of the Division of Civilian  
8 Oversight hired in accordance with Civil Service Rules and Personnel Regulations, may in the  
9 discretion of the Civilian Oversight Commissioner include commissioned officers temporarily  
10 detached from the Police Division, and civilian employees detached from other City  
11 departments, and other personnel approved by the Civilian Oversight Commissioner in  
12 accordance with Civil Service Rules and Personnel Regulations. Subject to the qualifications  
13 determined by the Director of Personnel and/or the Civil Service Commission, non-detached  
14 civilian oversight investigators shall have a limited history of employment as a police officer,  
15 with no history of employment as a police officer within the four years immediately prior to the  
16 employees start date. Currently commissioned SLMPD officers may only be detached and  
17 assigned to the Division of Civilian Oversight following review for conflicts of interest by the  
18 Commissioner of Civilian Oversight, and approval by the Director of Public Safety, and in no  
19 case may the total number of detached police officers be more than thirty five percent (35%) of  
20 the total number of civilian employees of the Division of Civilian Oversight. Subject to  
21 appropriation, there shall be staffing of a minimum of one (1) Civilian Oversight Investigator for  
22 every 100 commissioned police officers and every 80 corrections officers. The Civilian

1 Oversight Commissioner shall adopt and employ rules and procedures for each investigatory  
2 matter reasonably calculated to identify and determine the existence of conflicts of interest that  
3 disqualify a Civilian Oversight Investigator from being assigned to or continue participation in a  
4 matter. For Civilian Oversight Investigators detached from the Division of Police or other  
5 agencies and temporarily assigned pursuant to an MOU or written contract, the MOU or contract  
6 shall specify that investigators shall operate under the direction and supervision of the Civilian  
7 Oversight Commissioner for all matters relating to their investigative duties while detached to  
8 the Civilian Oversight Division. The lead investigator on every Professional Standards Inquiry  
9 shall be a non-detached Civilian Oversight Investigator with no history of employment as a  
10 police officer. Detached police officers shall not constitute more than thirty five percent (35%) of  
11 a given investigative team tasked with conducting a Professional Standards Inquiry. Civilian  
12 oversight investigators shall respond to the scene of Police and Correctional Incidents and  
13 Misconduct and have authority to collect statements from witnesses and city employees  
14 immediately upon request.

15 - "*Civilian Oversight Division*" means the Division of Civilian Oversight, a division of  
16 the Department of Public Safety, subject to the terms of this Ordinance, to Civil Service Rule and  
17 Regulation, and to all applicable federal and state laws and city ordinances. The Division of  
18 Civilian Oversight shall be directed by the Civilian Oversight Commissioner and supported by  
19 the Civilian Oversight Staff and Civilian Oversight Investigators, which Investigators shall  
20 conduct Professional Standards Inquiries and which staff shall assist and support the disciplinary,  
21 oversight and policy authority and duties of the COB and DFOB.



1           - “*Civilian Oversight Staff*” means staff providing oversight, policy, disciplinary,  
2     administrative and technical support to the Civilian Oversight Commissioner, Civilian Oversight  
3     Investigators, COB and DFOB under the direction of the Civilian Oversight Commissioner, and  
4     subject to oversight by the COB or the DFOB, as provided in this ordinance. Subject to  
5     appropriation and Department of Personnel classification qualifications and specifications,  
6     Civilian Oversight Staff shall include employees tasked with producing policy research and  
7     recommendations, supporting surviving families, conducting community outreach, providing  
8     administrative support to investigators, COB & DFOB, and liaising with the Personnel  
9     Department to file the requisite documentation to execute discipline including but not limited to  
10    suspensions, reductions in pay, demotions, forced leave and termination.

11       - “*City*” shall mean the City of St. Louis.

12       - “*Commissioner of Police*” shall mean the head of the Police Department whether  
13    otherwise referenced as Police Commissioner or Chief of Police or their designee.

14       - “*Complaints*” means a request, written, online or oral, by any person (including referral  
15    by the Civilian Oversight Commissioner, the Commissioner of Police, the Commissioner of  
16    Corrections, or the Director of Public Safety) to review and investigate allegations of a Police  
17    Incident, Police Professional Misconduct, a Detention Incident or Corrections Professional  
18    Misconduct, as defined herein. To the fullest extent permitted by law, Civil Service Rule or  
19    Regulation, and subject to the confidentiality and non-interference provisions set forth in this  
20    Ordinance, all Complaints shall be immediately shared with the Director of Civilian Oversight.  
21    Additionally, all Complaints relating to the employees of the Division of Police shall be timely  
22    shared with the COB and Police Chief within forty-eight (48) hours, and all complaints

1 pertaining to detention facilities, including internal resolution requests, shall be timely shared  
2 with the DFOB and Corrections Commissioner within forty-eight (48) hours.

3 - “*Corrections Commissioner*” means the head of the Division of Corrections of the  
4 Department of Public Safety.

5 - “*Complainant*” means persons who submit a Complaint to the Civilian Oversight  
6 Division or to the COB or DFOB regarding or arising out of a Police Incident, Police  
7 Professional Misconduct, Detention Incident or Corrections Professional Misconduct.

8 - “*Corrections Professional Misconduct*” means acts or omissions by Division of  
9 Corrections **as defined in Ordinance Number 71430.**

10 - “*Detainee*” means an individual who is housed in a Detention Facility as defined in  
11 **Ordinance Number 71430.**

12 - “*Detention Facility*” means City-owned or City-utilized facilities, including facilities in  
13 other jurisdiction housing Detainees for the City under contract, as defined in **Ordinance**  
14 **Number 71430.**

15 - “*Division of Corrections*” means the City of St. Louis Corrections Division.

16 - “*Detention Incident*” means Corrections Professional Misconduct as well as any of the  
17 incidents occurring at or in connection with the operation of a Detention Facility as set forth in  
18 **Ordinance Number 71430.**

19 - “*DFOB*” means the Detention Facility Oversight Board, created under **Ordinance**  
20 **Number 71430.**

21 - “*Excessive Force*” means physical force applied by Division of Police employees  
22 beyond that which is reasonably necessary to accomplish their lawful purpose while

1 safeguarding their own lives and the lives of others and physical force applied by Division of  
2 Corrections employees beyond what is reasonably necessary to control a detainee or arrestee or  
3 safeguard their own lives and the lives of others.

4 - “Public Integrity Unit,” means a special unit which, as provided in a Memorandum of  
5 Understanding agreed upon by the Director of Public Safety and Circuit Attorney, and, subject to  
6 enabling appropriations commands and conducts the investigations heretofore undertaken by the  
7 Force Investigation Unit of the Division of Police. Upon enactment of this Ordinance and  
8 formation of the Public Integrity Unit, the Force Investigations Unit of the Police Division shall  
9 be dissolved, subject to the period of transition set out in Section Twelve, which may include  
10 transfer or reassignment of ongoing cases.

11 - “Administrative Rules Violations Inquiry ” means investigation of alleged violations of  
12 administrative rules of police conduct of a minor administrative nature the pursuit of which is  
13 deemed by the Civilian Oversight Commissioner to be non-essential to the mission of the  
14 Civilian Oversight Division and which, at the request of the Civilian Oversight Commissioner  
15 and with the agreement of the Commissioner of Police are referred to the Division of Police for  
16 investigation and disciplinary action as determined and initiated by the Commissioner of Police.  
17 If the Civilian Oversight Commissioner’s referral of matters and inquiries are declined by either  
18 the Commissioner of Police or the Commissioner of Corrections, the reasons for declining shall  
19 be made in a writing to the Civilian Oversight Commissioner and Director of Public Safety. The  
20 Director of Public Safety shall assign the matter or inquiry to either the Civilian Oversight  
21 Commissioner or Police Commissioner.

1 - "Oversight" and "Oversee" shall mean authority provided hereunder to the COB and  
2 under Ordinance Number 71430 to the DFOB to timely obtain reports and information from, and  
3 to observe, evaluate and make recommendations concerning the work of the Division of Civilian  
4 Oversight, Division of Corrections, Police Department, and other law enforcement and  
5 investigatory bodies as may be necessary regarding Professional Standards Inquiries, Police  
6 Professional Misconduct, Police Incidents, Corrections Professional Misconduct and Detention  
7 Incidents, and to obtain information and evaluate and make recommendations on such other  
8 matters concerning which the COB or DFOB may reasonably inquire.

9 - "*Police Department*" means the Saint Louis Metropolitan Police Department.

10 - "*Police Incident*" means Police Professional Misconduct as well as any of the following:  
11 Death or serious injury of a member of the public allegedly as a result of interaction with a police  
12 officer; Death or serious injury of a police officer or third party, occurring in the course of their  
13 duties; intimate partner violence allegedly by a police officer; accidental serious injury of any  
14 person in police custody where the injury results in medical treatment; Use of force by a police  
15 officer (or their canine agents) that results in injury requiring medical care; Any police vehicular  
16 pursuit of a fleeing suspect that results in serious physical injuries; regardless of actual injury,  
17 lethal force directed at a citizen by a police officer, shall be considered a police incident.

18 - "*Police Officer*" means a state or local law enforcement officer with the power of arrest  
19 for a violation of the criminal code. This does not include individuals in local and state law  
20 enforcement agencies in non-officer positions, or federal law enforcement, such as Department  
21 of Justice or Federal Bureau of Investigations officers, nor prosecuting authorities at any level.

1 - “COB” shall mean the Civilian Oversight Board and the 9 members appointed pursuant  
2 to this Ordinance as a reconstituted Civilian Oversight Board with expanded powers and  
3 jurisdiction, and in compliance with RSMo 590.653

4 - “*Police Professional Misconduct*” means acts or omissions by Division of Police  
5 employees alleged to be in violation of criminal law or ordinance or professional standards the  
6 violation of which is subject to disciplinary punishment, including but not limited to misconduct  
7 which, constitutes or contributes to Excessive Use of Force, abuse of authority (including failure  
8 to appropriately and timely intervene in or report Police Professional Misconduct of another),  
9 property damage, discourtesy, or use of offensive language, including, but not limited to, slurs  
10 relating to race, ethnicity, religion, gender (including gender identity) sexual orientation and  
11 disability.

12 - “*Professional Standards Inquiries*” means administrative/disciplinary investigations  
13 conducted by Civilian Oversight Investigators into complaints and allegations of Detention  
14 Incidents, Police Incidents, Corrections Professional Misconduct and Police Professional  
15 Misconduct and to assist the Civilian Oversight Commissioner in the coordination and  
16 implementation of discipline and related corrective employment action in compliance with Civil  
17 Service Rule and/or Personnel Regulation, along with rules or special orders, as may be  
18 applicable, and to conduct the administrative review of shots fired by employees of the Division  
19 of Police or Division of Corrections and deadly use-of-force incidents for compliance with  
20 applicable professional standards, policies and codes of conduct. Professional Standards  
21 Inquiries shall automatically be made into, and Civilian Oversight Investigators shall respond to  
22 the scene of, all discharges of firearms or use of force, on or off duty, by officers and armed

employees of the Division of Police or Division of Corrections who discharge firearms or engage in such force within the City, in which a person was struck or otherwise results in serious physical injury.

**SECTION TWO. Repealing Ordinance Numbers 69984 and 70532.**

**Ordinance Number 69984**, as amended by **Ordinance Number 70532**, is hereby repealed.

**SECTION THREE. Division of Civilian Oversight created.**

A. Civilian Oversight Division. There is established a division of the Department of Public Safety to be known as the Division of Civilian Oversight, which shall be directed by the Commissioner of Civilian Oversight and have two units: the Civilian Oversight Investigators and the Civilian Oversight Staff, each of which shall be directed and supervised by the Commissioner of Civilian Oversight. The Civilian Oversight Commissioner shall have such authority as is granted under this Ordinance, including the authority to initiate professional standards investigations, and including, subject to Civil Service Rule, the authority to take disciplinary action against employees of the Police Division and Corrections Division, subject to and in accordance with the provisions of all applicable Department of Personnel Rules and Regulations.

B. Purpose. The purpose of the Division of Civilian Oversight is: to protect the safety of the public and employees of the City; to strengthen the integrity of and public confidence in criminal justice institutions; to promote transparency, fairness and public accountability to professional standards by the Division of Police and Division of Corrections; to conduct thorough, impartial, and independent Professional Standards Inquiries into Police Professional Misconduct, Police Incidents, Corrections Professional Misconduct, Detention

1 Incidents; to support survivors of Police and Correctional Incidents and Misconduct and their  
2 families; to serve as successor and to subsume certain functions of both Police and Corrections  
3 Internal Affairs Divisions in such matters with expanded authority that includes Division of  
4 Corrections matters; to facilitate, promote, and encourage constant improvement in the  
5 operations and professionalism of the Division of Police and Division of Corrections by  
6 empowering independent citizen boards to render impartial and informed oversight, and develop  
7 policy recommendations and advice that will address systemic problems and practices in police  
8 and corrections operations; and as regards Detention Facilities, to ensure such operations and  
9 conditions of confinement are safe, sanitary and respectful of detainees' and the public's rights  
10 and dignity, and protect the health and safety of the public, detainees and Division of Police and  
11 Division of Corrections employees.

12 C. Overview of Investigative Functions. To effect and advance the purposes herein  
13 stated, the Division of Civilian Oversight, its Civilian Oversight Commissioner and Civilian  
14 Oversight Investigators and Staff shall, as provided herein, be broadly authorized to  
15 independently investigate, conduct, and oversee the investigatory matters defined as Professional  
16 Standards Inquiries. They shall do so for the purposes therein stated, namely, to determine  
17 compliance or violation by Division of Police and Division of Corrections personnel of rules  
18 governing professional standards and conduct. The scope and particulars of the matters out of  
19 which such inquiries may arise shall include but not be limited to the matters stated in the  
20 definitions of Police Incidents, Detention Incidents, Police Professional Misconduct and  
21 Detention Professional Misconduct. What's more, to promote and ensure diligent consideration  
22 and pursuit of all Complaints, as that term is defined herein, the Division of Civilian Oversight,

its Civilian Oversight Commissioner and the Civilian Oversight Investigators and Staff shall be obligated to not dismiss or deny any Complaint without first conducting reasonable inquiry. Further, certain events or occurrences because of their extraordinary nature, shall automatically be the subject of Professional Standards Inquiry, as provided therein, namely, those involving police or corrections personnel's discharge of firearms, or other uses of force that lead or contribute to serious injury, or death of any person, as well as the death of any person from any potential cause in a Detention Facility or in police custody. Finally, while working in consultation with the COB and DFOB, the Division of Civilian Oversight, the Civilian Oversight Commissioner, Civilian Oversight Investigators and Civilian Oversight Staff shall have broad authority to examine and evaluate Division of Police and Division of Corrections policies, procedures, and operations, including Police Incidents and Detention Incidents, in the public interest and for purposes of recommending improvements and reforms.

**SECTION FOUR. Civilian Oversight Division Authority and duties.**

A. The Civilian Oversight Division, under the direction of the Civilian Oversight Commissioner, shall have the authority and duty to:

1. Promulgate Rules and Procedures for Conducting Inquiries. In consultation with the Commissioner of Police, Commissioner of Corrections, Personnel Director and Circuit Attorney, and subject to approval by the Director of Public Safety and Civilian Oversight Board, develop publicly available rules and procedures for conducting Professional Standard Inquiries into Police Incident, Police Professional Misconduct, Detention Incidents, and Corrections Professional Misconduct. These rules and procedures shall include, but not be limited to:



1 a) Rules and procedures providing for the immediate notification of the Civilian  
2 Oversight Commissioner, Director of Public Safety, Circuit Attorney, and Police  
3 Commissioner or Corrections Commissioner, and their respective designees, that a Police  
4 Incident or Detention Incident has occurred or a complaint about such an incident is filed.

5 b) Rules and procedures governing the use of body cameras by police and  
6 correctional officers, investigators, and other law enforcement personnel.

7 c) Rules and procedures establishing a conflict of interest policy to determine the  
8 existence of a conflict of interest, real or perceived, that disqualify the participation of a  
9 person in an investigation.

10 2. Conduct Professional Standards Inquiries. Respond to the scene of Police and Corrections  
11 Incidents as provided for in a memorandum of understanding between the Director of Public  
12 Safety and Circuit Attorney of the City of St. Louis. Receive complaints and, in consultation  
13 with the Director of Public Safety, Circuit Attorney, Commissioner of Police and Commissioner  
14 of Corrections, and excepting Administrative Rules Violations Inquiries, conduct Professional  
15 Standards Inquiries into Police Incidents, Police Professional Misconduct, Detention Incidents,  
16 and Corrections Professional Misconduct, and/or subject to such rules and regulations as the  
17 Director of Personnel and Civil Service Commission may prescribe, impose or refer matters for  
18 professional discipline for violations of professional standards and disciplinary rules. City  
19 employees involved in or witness to police or correctional incidents or misconduct shall provide  
20 a statement to civilian oversight investigators immediately upon request.

21 3. To take disciplinary action. The Civilian Oversight Commissioner, upon consultation and  
22 in consideration of recommendation by the Commissioner of Police or Commissioner of

1 Corrections, shall have the authority and power, subject to Civil Service Rule, to take  
2 disciplinary action against employees of the Police Division and Corrections Division, subject to  
3 and in accordance with all applicable Department of Personnel Rules or Regulations, including  
4 the civil service commission appeal and review process. Notwithstanding the foregoing, and  
5 pursuant to RSMo. 84.344.8, exclusive authority over the disciplinary process and procedures  
6 affecting commissioned officers is reserved to the civil service commission. Furthermore the  
7 Commissioner of Police and Commissioner of Corrections will retain the power to discipline  
8 their employees as conferred by Civil Service Rules currently in effect. Any claimed conflict  
9 between disciplinary action initiated by the Commissioner of Civilian Oversight and  
10 Commissioner of Police or Corrections shall be preliminary determined by order of the Director  
11 of Public Safety and may be appealed by any Commissioner to the Civil Service Commission.

12 4. Access to Information. Except as prohibited by federal or state law, and as provided for  
13 under Section Four, Subsection C of this bill, the Commissioner of Civilian Oversight shall have  
14 original subpoena power and access to any and all information related to their purpose as set  
15 forth in Section Three of this bill. Additionally, the Commissioner of Civilian Oversight shall  
16 assist the Civilian Oversight Board and Detention Facilities Oversight Board in obtaining access  
17 to information including but not limited to the records and documents detailed in Section Eight,  
18 Subsection C of this bill. All law enforcement officials shall provide the Commissioner of  
19 Civilian Oversight access to, or shall assist them in obtaining access to, any and all information  
20 as may be required in order to fulfill their responsibilities and purpose under this ordinance.

21 5. Support the COB and DFOB. Work at the direction of the COB and DFOB in timely  
22 investigating, providing information and access to information to the COB and DFOB as

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provided herein, and work to assist and support the COB and the DFOB in their preparation and execution of the Annual Oversight Work Plans and Annual Oversight Reports.

6. Share Information. To share investigative information between the Public Integrity Unit and Professional Standards Unit, as permitted by law and consistent with best practices in criminal investigation and professional standards. To share information with oversight entities to the fullest extent permitted by law.

7. Recommend improvement and reforms. In consultation with COB, DFOB and with input from members of the public the Commissioner of Civilian Oversight shall have the authority and duty to propose or recommend adoption, revision or modification of Division of Police or Division of Corrections policies, procedures and operations. The Police Commissioner and Corrections Commissioner shall provide responses in writing to such recommendations within sixty days of the recommendation being submitted.

8. Provide Timely Assistance & Information To Surviving Families. In consultation with the Director of Public Safety, City Counselor, Circuit Attorney, and Police Commissioner the Commissioner of Civilian Oversight shall have the authority and duty to provide timely assistance and information to surviving families in cases of death or serious bodily injury arising from a Police Incident or a Corrections Incident, consistent with investigative needs as determined by the Civilian Oversight Commissioner, Director of Public Safety, Police Commissioner, Circuit Attorney and City Counselor and as permitted by law, including that:

a. the family, through any immediate known next of kin of the deceased or seriously injured, is promptly notified within three days upon verification of the identity of the decedent;

b. the family of a deceased or seriously injured person, through known immediate next of kin, is promptly notified within three days of the location of the deceased's body and given

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access to the body or injured person as soon as practicable, while complying with existing law(s);

c. the incident giving rise to the death or serious bodily injury is subject to an independent, impartial and comprehensive investigation;

d. the family of the deceased or seriously injured individual, through known immediate surviving next of kin, is given access to written reports, footage, and other public records relating to the incident at least twenty four hours before they are shared with the public, opened or become open records under the Missouri Sunshine Law; As permitted by law, the division of civilian oversight shall proactively provide updates to the family of the deceased or seriously injured individual on the status of the inquiry. Any updates involving an active criminal case shall be made in consultation with the Circuit Attorney;

9. Grant funding. On behalf of and at the request of and in consultation with the COB and DFOB, the Civilian Oversight Division may seek grant funding concerning any matter, issue, or undertaking within the purposes and missions of the COB or DFOB.

10. Semi-Annual Meetings. Meet with the Mayor on a semi-annual basis, and Public Safety Committee of the Board of Alderman on an annual basis, or more frequently at the request of the Board of Aldermen or the Mayor, to discuss and hear public testimony on topics relevant to the purpose of the Division of Civilian Oversight. The minutes of each meeting will be posted online promptly and not later than within 10 days following such meeting.

11. Status Reports to Complainants. Provide timely updates and notifications to Complainants as to the status of their complaints, including final findings upon the closure of the investigation.

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1           B. Non-Interference. No administrative or disciplinary investigation activity of the  
2 Civilian Oversight Division, including the activities of the COB or the DFOB, shall interfere  
3 with any criminal investigation or civil litigation. Any claimed conflict between the Division of  
4 Civilian Oversight Professional Standards Inquiry and Division of Police criminal investigation,  
5 or Public Integrity Unit investigation including allegations of interference with the performance  
6 of police duties, shall be determined and resolved by order of the Director of Public Safety.  
7 When the Civilian Oversight Commissioner is notified by the Director of Public Safety, Circuit  
8 Attorney or City Counselor or Commissioner of Police that an investigation may interfere with a  
9 criminal investigation involving the City, the Civilian Oversight Commissioner shall avoid such  
10 interference by taking such steps as may be required by the Director of Public Safety, up to and  
11 including staying the potentially interfering Professional Standards Inquiry until such time as it  
12 will not interfere with other authorities or courts with jurisdiction over the matter. Any such stay  
13 shall be reported to the COB or DFOB, depending on whether the incident or misconduct  
14 pertains to police or corrections. Details regarding the rationale for such stays shall also be  
15 reported to the COB and DFOB as permitted by law. As to civil litigation matters, not later than  
16 every six months after such notification, the Law Department shall provide an update in writing  
17 of the status of the request that such potentially interfering investigation continued to be stayed  
18 and the reasons supporting the continued stay.

19           C. Subpoena Power. In the course of any investigation conducted under the provisions of  
20 this Ordinance, the Civilian Oversight Commissioner shall have the power to administer oaths, to  
21 subpoena and require the attendance of witnesses within the City, including custodians of records  
22 for private and corporate entities conducting business within the city, and the production by them  
23 of books, papers, videos, medical records, phone and internet records, bank records, and other

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1 records or documents of any description in any medium pertinent to any matter of inquiry and to  
2 examine such witnesses under oath, in relation to any matter properly involved in such  
3 proceeding. The Civilian Oversight Commissioner shall also administratively support the COB  
4 and DFOB in their exercise of their independent subpoena power pursuant to a majority vote of  
5 the COB or DFOB. In accordance with the process set out in this ordinance, the Civilian  
6 Oversight Commissioner shall issue appropriate subpoenas requiring the production of books,  
7 papers, videos, medical records, phone and internet records, bank records and any other records  
8 requested by COB and/or DFOB and compelling the attendance of witnesses to provide  
9 testimony under oath before the requesting oversight boards. In the event one or more members  
10 of the COB or DFOB are unavailable or unable to participate in the properly noticed meeting at  
11 which a vote to exercise the power of subpoena is taken, the vote shall be taken among those  
12 members who are available and able to participate in a vote and such power shall be exercised by  
13 the Civilian Oversight Commissioner on a vote of two-thirds of those members who participate,  
14 so long as at least 6 members are present to constitute a quorum. For all such purposes, the  
15 Civilian Oversight Commissioner or their authorized representative may invoke the power of any  
16 court of record in the City, or judge thereof, in term time or vacation, to compel the attendance  
17 and testimony of witnesses including custodians of records for private and corporate entities  
18 conducting business within the city, and the production by them of books, papers, videos,  
19 medical records, phone and internet records, bank records or any other records, in compliance  
20 with such subpoenas. Every such writ of subpoena shall be signed by the Civilian Oversight  
21 Commissioner or their designee, and except in the case of subpoenas issued by the DFOB or  
22 COB, shall be attested to by the lead Civilian Oversight Investigator assigned to the matter that is  
23 the subject of the subpoena and shall be served and the return thereof made by any means

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allowable under applicable law. All witnesses so subpoenaed, who are not employees of the City, shall be entitled to the same fees as are allowed in civil cases in courts of record.

D. Confidentiality. The Civilian Oversight Division, COB and DFOB and Civilian Oversight Staff and Civilian Oversight Investigators shall when required by law or ordinance or Civil Service Commission Rule maintain the confidentiality of any file, record, or data received pursuant to their official duties and be bound by rules of confidentiality including with respect to any personnel, disciplinary, and other confidential documents that they review. In addition to any penalties otherwise provided by law it shall be a violation of this ordinance for anyone employed by or assigned to the Civilian Oversight Division or COB or DFOB to disclose confidential information to anyone other than another assigned to or employed by the Civilian Oversight Division or COB or DFOB, Civilian Oversight Staff, Civilian Oversight Investigators, the City Counselor's office, the Mayor or their designees, the Director of Public Safety or the Director of Public Safety's designees, Circuit Attorney or their designees or authorized Police Division or Corrections Division personnel. In addition to any other remedies provided by law, any person who is found to have engaged in or facilitated such unlawful disclosure and to have released confidential information to any person unauthorized to receive such information may immediately be disqualified from serving on the COB or DFOB or to continue employment by the Division of Civilian Oversight. If the Division of Civilian Oversight, or COB or DFOB have any questions pertaining to the Sunshine Law or confidentiality, they must contact the City Counselor's Office and must act according to the legal opinion provided by the City Counselor's Office or legal counsel procured by the City Counselor's Office. If there is any question

1 concerning the confidential nature of a document or information, such question must be resolved  
2 in favor of the document or information as confidential until a legal opinion from the City  
3 Counselor's Office or outside legal counsel procured by the City Counselor's Office has been  
4 requested and rendered. Subject to appropriation, the Civilian Oversight Commissioner may  
5 request that the City Counselor provide, and the City Counselor may in their discretion procure  
6 and contract for independent legal counsel to advise the Division of Civilian Oversight on such  
7 matters requiring such advice, including actionable advice on the Sunshine Law, previous  
8 provisions notwithstanding. The decision to grant such request, and the selection of independent  
9 counsel if such a request is granted, however, is exclusively vested in the sound discretion of the  
10 City Counselor. The City Counselor shall communicate the rationale for any decision not to  
11 procure independent counsel to the Division of Civilian Oversight in writing.

12 **SECTION FIVE. Complaint System, Case Management, Criminal Justice Information &**  
13 **Annual/Quarterly Reports.**

14 A. Complaint System. The Civilian Oversight Division in consultation with the COB,  
15 DFOB, Commissioner of Police, Commissioner of Corrections and the City Counselor's Office  
16 shall develop a system for receiving, processing, and administering complaints including the  
17 creation and utilization of a single, standardized complaint intake form, and coordinate with the  
18 Division of Police, the Division of Corrections, the COB and the DFOB to implement the  
19 system. All complaints, including Internal Resolution Requests, no matter where received, shall  
20 be provided in a timely manner to the Civilian Oversight Division and to the appropriate  
21 oversight board. No complaint shall be dismissed or denied without first conducting reasonable  
22 inquiry.



1           B. Standard Complaint Form. The complaint form shall be written in clear language and  
2 with the intention of aiding readers' comprehension and understanding of the complaint form  
3 and complaint process, including through multi language translations.

4           C. Case Management System. The Civilian Oversight Division shall, in consultation with  
5 the Director of Public Safety, Circuit Attorney, COB, DFOB, Commissioner of Police,  
6 Commissioner of Corrections and City Counselor, adopt or develop a case management system  
7 for complaints and matters that are the subject of investigations, which shall include a system for  
8 classifying different types of complaints, protocols for investigating complaints and incidents,  
9 monitoring investigations, and ensuring the information is timely and appropriately shared  
10 between the Public Integrity Unit and Professional Standards Unit, as well as processes to ensure  
11 compliance with all relevant local, state and federal laws including the protections accorded  
12 under Garrity v. New Jersey, 385 U.S. 493 (1967) and other applicable Constitutional rights and  
13 responsibilities.

14          D. Criminal Justice Information. The Division of Civilian Oversight shall consult with  
15 the COB, DFOB, Commissioner of Police and Commissioner of Corrections and representatives  
16 of the Regional Justice Information System (REJIS) Commission to ensure that it is organized  
17 and provides such training and institutes such controls as may be required for Civilian Oversight  
18 Investigators to obtain and at all times retain access to and good standing under protocols and  
19 regulations governing shared criminal justice information.

20          E. Annual Accountability Report. The Civilian Oversight Division shall prepare an  
21 annual report and, after review and comment by the COB and DFOB, address it to the Mayor,  
22 Board of Aldermen, and Chairperson of the Public Safety Committee and present it at a public

meeting, and invite public comment at least thirty, but no more than sixty days prior to the end of each fiscal year. The annual report shall be published online simultaneously with its submission.

The annual report shall contain the following:

1. A summary, with individually identifiable employee information omitted or redacted, of each complaint and incident investigated, and findings and recommendations made by the Civilian Oversight Division since its most recent annual report.

2. Reports on any matter properly within the scope of the Civilian Oversight Division's, COB's or DFOB's purpose, authority or duties as may be requested by the Mayor, Board of Aldermen and Chairperson of the Public Safety Committee.

3. Reports regarding any matter properly within the scope of the Civilian Oversight Division's purpose and duties and that the Civilian Oversight Division may deem appropriate.

4. A statement of the Division of Civilian Oversight rules, policies and procedures for its investigative and monitoring activities.

F. Quarterly Reports. The Civilian Oversight Division shall compile a summary report for each quarter and shall submit copies of the report to the Mayor, Board of Aldermen and Chairperson of the Public Safety Committee. Quarterly reports shall cover the preceding quarter and must be submitted to the Mayor, Board of Aldermen and the Chairperson of the Public Safety Committee and simultaneously posted online within ten days of the end of the quarter. Quarterly reports shall contain the following:

1. A summary, description, and statistical profile, with individually identifiable employee information omitted or redacted, of all investigations and related activities that were initiated during the quarter and a summary of the reasons for the investigations and monitoring activities.

2. A list of all investigations and monitoring of investigations that were concluded during the quarter and summaries of the related investigative reports.

3. Such other matters that occurred during the quarter that in the judgment of the Civilian Oversight Commissioner should be included in the quarterly report.

**SECTION SIX. Budget, Civilian Oversight Staff and Investigators, Office/Meeting Space.**

A. The Department of Public Safety shall include the Civilian Oversight Division as part of its annual budget requests. The Civilian Oversight Division shall comply with the budget and other financial processes in the City's Charter.

B. The Civilian Oversight Division shall be directed by the Civilian Oversight Commissioner and supported by the Civilian Oversight Staff and Civilian Oversight Investigators.

C. The Mayor and Director of Public Safety shall ensure that the Civilian Oversight Division is provided adequate office and meeting space for its staff and all supplies, resources, and equipment reasonably necessary for the conduct of its business and performance of its duties, including the meetings and proceedings of the COB and DFOB. The Division of Civilian Oversight's office space shall not be situated in Police Headquarters, the Criminal Justice Center, or the Office of the Circuit Attorney.

**SECTION SEVEN. Public Integrity Unit.**

A. Pursuant to the Circuit Attorney's authority under Chapter 56 of the Revised Missouri Statutes, and subject to enabling appropriations, and in accordance with an executed memorandum of understanding approved by the Director of Public Safety, the Circuit Attorney may, in his or her discretion and in accordance with the provisions of this ordinance, establish a

1 Public Integrity Unit for the purposes of investigating police and detention incidents and  
2 misconduct and prosecuting criminal conduct. The Circuit Attorney may also, in his or her  
3 discretion, provide the COB, DFOB and public with an annual report detailing the Public  
4 Integrity Unit's activities and findings as permitted by law.

5 B. The Director of Public Safety is authorized to enter into a memorandum of  
6 understanding with the Office of the Circuit Attorney setting forth the agreed upon rules and  
7 procedures governing simultaneous professional standards and public integrity inquiries and  
8 delineating the duties and authorities of the Public Integrity Unit, Division of Civilian Oversight,  
9 and Division of Police.

10 C. The matters that may be determined by such Memorandum include but need not  
11 be limited to: Protocols governing control and supervision of the scene of a Police or Corrections  
12 incident, collection, and custody of evidence, and setting out the respective roles, responsibilities  
13 and authorities of police officers (i.e. securing the scene), civilian oversight investigators (i.e.  
14 observing and recording the scene), and public integrity investigators (i.e. evidence collection) at  
15 the scene of police or correctional incidents or misconduct.

16 1. Protocols governing witness and employee interviews, ensuring that civilian oversight  
17 and public integrity investigators receive immediate access to witnesses and employees upon  
18 request, and protecting criminal inquiries from contamination by ensuring that all information  
19 collected by professional standards investigators is walled off from criminal investigators.

20 2. Protocols governing simultaneous investigations between the Public Integrity Unit,  
21 Division of Civilian Oversight, and Police Department, including cases in which a Police or

Corrections incident also involves an alleged crime committed by a civilian. Such protocols shall be designed to permit all investigations to proceed unimpeded whenever possible.

3. Protocols governing the documentation of public integrity and professional standards inquiries. Such protocols shall be designed to ensure the development of a complete record, including but not limited to a detailed camera recording of the scene and incident report. Such protocols shall be designed to enable information sharing to the fullest possible extent and consistent with the requirements of criminal investigation and prosecution, including the protections accorded under *Garrity v. New Jersey*, 385 U.S. 493 (1967) and other applicable Constitutional rights and responsibilities.

**SECTION EIGHT. Creation of COB; Oversight Work Plans for COB and DFOB.**

A. Reconstituted COB, newly formed DFOB housed as part of Division of Civilian Oversight. There is reestablished and reconstituted and appointed as part of the Division of Civilian Oversight an independent citizen board organized and authorized to provide Oversight and render advice, and policy recommendations concerning matters falling within the jurisdiction of the Division of Civilian Oversight as set forth in this Ordinance known as the Civilian Oversight Board (COB). The Detention Facilities Oversight Board (DFOB) created **under Ordinance 71430** shall be situated as part of the Division of Civilian Oversight, with the Commissioner of Civilian Oversight having the authority and assuming the duties of its Director and the Civilian Oversight Investigators and Civilian Oversight Staff being substituted for and assuming the duties of the DFOB Investigators.

B. Development and Execution of Annual Oversight Work Plans. The COB shall have the duty and broad authority and discretion to formulate, develop, and execute an Annual

Oversight Work Plan, which shall be the written plan as the COB may determine for programs, initiatives, projects, and routine and ongoing tasks in the forthcoming fiscal year setting forth each entity's purpose, priorities, goals, timelines and means of measuring progress in the fiscal year (or part thereof) ahead to promote constant improvement in operations and professionalism, respectively, of the Division of Police and Division of Corrections, which reports shall be prepared in consultation with the Civilian Oversight Commissioner and with the assistance of the Civilian Oversight Staff and with their initial Work Plan of each published on the City website within 180 days of their organization and thereafter not later than July 1 of each year on the City website.

C. Access to Information. Except as prohibited by this Ordinance or by federal or state law, the COB & DFOB shall have access to any and all information related to their mission, duties and official activities, and the Civilian Oversight Commissioner, with the full cooperation of the Commissioners of Police and Corrections, shall provide the COB and DFOB reasonable access, or shall assist them in obtaining reasonable access, to information including but not limited to the following:

1. Records of all Complaints, Police Incidents, Police Professional Misconduct, Detention Incidents and Corrections Professional Misconduct.

2. Data constituting or relating to complaints, incidents, patterns or practices of misconduct, and other matters including, but not limited to, Division of Police or Division of Corrections policy directives, and detention facility conditions, operations and maintenance.

3. The proceedings and status of Professional Standards Inquires.

1       4. Interviews with complainants, witnesses, Division of Police and Division of Corrections  
2 employees, and detainees in relation to investigation activities, including but not limited to  
3 access to transcripts, Garrity statements and opportunity to observe interviews when practicable.

4       5. Documents including but not limited to, policy directives, contracts, budgets, MOUs and  
5 any other documents relating to subjects including but not limited to police or correctional  
6 policies, procedures and operations, detainees, facility operations and maintenance, and Police or  
7 Correctional employees.

8       6. Records of completed investigations, whether conducted by the Division of Civilian  
9 Oversight, Circuit Attorney's Office, or previously by the Force Investigative Unit or Division of  
10 Internal Affairs.

11       7. Access to the Regional Justice Information System files and data, including IAPro and  
12 any other data storage system containing personnel or investigative files, as permitted by state or  
13 federal law.

14       8. Access to detention facilities as may be reasonable in light of the then current  
15 circumstances, conditions and operations.

16       9. Access to examine physical evidence, in consultation with the Division of Civilian  
17 Oversight, Division of Police, Circuit Attorney's Office, or other relevant law enforcement  
18 entities.

19       D.     Subpoena Power. The COB & DFOB shall each have the power to administer  
20 oaths, to subpoena and require the attendance of witnesses located within the City including  
21 custodians of records for private and corporate entities conducting business within the city and  
22 the production by them of books, papers, videos, medical records, phone and internet records,

1 bank records or other records pertinent to any matter of inquiry and to examine such witnesses  
2 under oath in relation to any matter properly within the scope of its mission and duties. The COB  
3 and DFOB shall each have original subpoena power to be exercised by majority vote of COB  
4 and DFOB members in attendance at a meeting properly noticed, with the Civilian Oversight  
5 Commissioner acting administratively on behalf of the board exercising its power, as required by  
6 Section Four C, hereof.

7 E. Information Sharing with County Offices. The COB and DFOB, with the  
8 assistance of the City Counselor, shall be authorized to negotiate and agree to protocols and  
9 agreements regarding the gaining of access, production and examination of information relevant  
10 to their Oversight authority that may be held by the Offices of the Circuit Attorney, Medical  
11 Examiner and/or Sheriff's Department.

12 F. Work Impeded. In the event the COB or DFOB by majority vote believes they are  
13 not being provided adequate support or access to information and, thus, that their work is being  
14 impeded, they shall bring their complaints in writing directly to the Mayor of the City of St.  
15 Louis and the Chair of the Public Safety Committee of the Board of Aldermen.

16 G. Annual Oversight Reports. The COB shall prepare an Annual Oversight Report, which  
17 shall be a written report that describes the programs, initiatives, projects, and routine and  
18 ongoing tasks undertaken in the preceding fiscal year by the COB, prepared and published with  
19 the assistance of Civilian Oversight Staff not later than August 1 of each year on the City  
20 website, setting forth how the Board made continuous progress advancing its purpose, priorities,  
21 goals, timelines and means of measuring progress as had been set forth in their Work Plans for



1 the fiscal year just completed. The COB may supplement the Annual Oversight Report by such  
2 periodic reports as it sees fit.

3 H. Independent Counsel. Subject to appropriation, and request to the City Counselor  
4 on majority vote of the COB or DFOB and for good cause shown, the COB or DFOB may  
5 request that the City Counselor provide, and the City Counselor may in their discretion procure  
6 and contract for independent legal counsel to advise the COB and/or DFOB on such matters  
7 requiring such advice, including actionable advice on the Sunshine Law, previous provisions  
8 notwithstanding. The decision to grant of such request, and the selection of independent counsel  
9 if such a request is granted, however, is exclusively vested in the sound discretion of the City  
10 Counselor. The City Counselor shall communicate the rationale for any decision not to procure  
11 independent counsel to the DFOB or COB in writing.

12 I. Service Provider Agreements. All agreements for the provision of services at Detention  
13 Facilities, the transport of detainees, outside healthcare services or other outside care services for  
14 detainees, or for the housing of detainees at outside facilities shall contain a provision which  
15 requires the service provider to cooperate with DFOB investigations of complaints and incidents  
16 which have a direct relationship to the services provided including interviewing service  
17 providers' employees.

18 **SECTION NINE. Members, Qualifications & Diversity of COB.**

19 A. Members: The COB shall consist of Nine (9) members of the public nominated by  
20 the Mayor of the City of St. Louis and confirmed by the Board of Aldermen. To the extent  
21 practicable, appointments shall be broadly representative of the city's diversity and shall include  
22 members with knowledge and/or experience in the fields of human resources practices,

management, policy development, auditing, law, investigations, law enforcement, youth representation, civil rights and civil liberties, public health, medicine and healthcare, social work as well as representation from communities experiencing the most frequent contact with the Division of Police and the Division of Corrections. Background checks shall be required for all members. Members shall be issued identification cards, but shall not be issued and shall not display, wear, or carry badges that so resemble a peace officer's badge that an ordinary reasonable person would believe that members have the authority of a peace officer. In addition to any other requirements or qualifications hereunder, at least one member of the COB and the DFOB shall be at the time of their appointment between the ages of 16 and 24 years old.

B. COB Districts: There shall be at least one and not more than two COB members who reside in each of the seven (7) Civilian Oversight Board Districts ("COB Districts"). Each COB District shall consist of two (2) Aldermanic wards, as defined pursuant to **Ordinance 71443**, as follows:

District One: Wards 1 and 2

District Two: Wards 3 and 4

District Three: Wards 5 and 6

District Four: Wards 7 and 8

District Five: Wards 9 and 10

District Six: Wards 11 and 12

District Seven: Wards 13 and 14

a. Qualifications: To qualify for nomination, confirmation, and continued service on the COB, an individual must satisfy all following qualifications:

1. The individual must be a resident of the City of St. Louis.
2. The individual must have reached the age of sixteen (16) by the date that they will take office as a member of the COB.
3. The individual must not hold or be a candidate for any public office.
4. The individual must not be an employee of the City of St. Louis or of the State of Missouri.
5. The individual may not have an immediate family member who is currently employed by the Police Department.
6. The individual may not be a current sworn police officer or corrections officer or a representative or employee of an employee association representing sworn police officers
7. Only residents who are and can be fair and impartial should be nominated or appointed. Members shall always judge cases on an individual basis, not categorically favor a complainant or accused, and shall act and make decisions based only upon the facts and the evidence before them.

**SECTION TEN . Appointment, Term of Office, Removal, Vacancy, No Compensation.**

**A. Appointment Process: COB members shall be confirmed as follows:**

1. Recommendation: Within thirty days of the effective date of this Ordinance and within fifteen days of any vacancy on the COB, the Office of the Mayor shall post an application form online and within forty-five days after such posting the Clerk of the Board of Aldermen shall deliver to the Office of the Mayor the names of any qualified individuals recommended by Aldermen for such positions.

2. Nomination: Within thirty (30) days of receipt of applications and recommended names, the Mayor shall deliver to the Board of Aldermen nominations for vacant COB positions. The Mayor may nominate any qualified person to serve as a COB member however, before nominating a COB member, the Mayor shall consider for nomination any individual recommended by the Aldermen.

3. Confirmation: Within ninety days of the Mayor's nomination, the Public Safety Committee of the Board of Aldermen shall hold public hearings with public testimony concerning the nominees and the full Board of Aldermen shall vote on whether to confirm the nominees. If a majority of the members of the Board of Aldermen vote to confirm a nominee, the nominee shall be appointed as a COB member. In the event an individual is not confirmed by a majority of the Board of Aldermen, the Mayor shall deliver to the Board of Aldermen a new nominee for the COB within thirty days of the Board of Aldermen voting not to confirm the prior nominee.

4. If there is a vacancy on either the COB or DFOB for more than a year, the Director of Public Safety, the President of the Board of Aldermen, and the Chair of the Public Safety Committee, shall each identify a candidate, none of whom may have been previously nominated to and rejected by the Board of Aldermen, and one of these shall be appointed by the Mayor as a COB member.

**B. Term of Office:**

1. Except as provided in this Section for initial members all COB members shall be appointed for three-year terms. No member shall serve on the COB for more than two consecutive three-year terms provided, however; an initial member appointed for a term of less

1 than three years and members appointed to finish the unexpired term of a member shall be  
2 eligible to serve two consecutive, full three-year terms. Notwithstanding anything to the contrary  
3 stated herein, members currently serving the Citizens Oversight Board (“COB”) established  
4 under **Ordinance Number 69984** at the time of this Ordinance’s enactment shall for the time  
5 remaining on their COB terms be deemed initial members of the COB hereunder.

6         2.       The initial members of the COB shall have staggered terms as follows: For the  
7 COB, selected by random drawing, four members shall serve three-year terms and three  
8 members shall be appointed serve two-year terms.

9         C. Member removals. Upon good cause the COB may vote to request the Board of  
10 Aldermen to act to remove a member. Within five days following the vote the Civilian Oversight  
11 Commissioner shall send the request in writing to the Board of Aldermen and shall send a copy  
12 of the request to the Mayor and Chairperson of the Public Safety Committee. Within sixty days  
13 following their receipt of the request the Board of Alderman shall vote whether to approve the  
14 request with a majority of the members of the Board of Aldermen voting in favor of the request  
15 needed for approval. If the Board of Aldermen does not act within this sixty-day time period, the  
16 request shall be deemed denied. Following receipt of the request from the Civilian Oversight  
17 Commissioner and before an aldermanic vote is taken, the right to vote on Board matters shall be  
18 suspended.

19         D. Vacancies. Vacancies on the COB occasioned by resignation, expiration of term, loss  
20 of qualifications, or otherwise, shall be reported in writing to the Mayor and the Board of  
21 Aldermen by the Commissioner of Police Oversight. The vacancy shall be filled as set forth in

1 the Appointment Process section of this ordinance. Appointments to fill vacancies shall be for  
2 the unexpired portion of a term.

3 E. Compensation. As required by RSMo 590.653, board members shall serve without  
4 compensation.

5 **SECTION ELEVEN. Proceedings and Officers for the COB.**

6 A. Rules. At its initial meeting the COB shall adopt rules to govern their proceedings, and  
7 may thereafter amend, revise, or otherwise modify their rules, as deemed appropriate. The COB  
8 shall, with the advice of the City Counselor, prepare and adopt necessary rules, policies and  
9 procedures for the conduct of their business and shall conduct themselves in accordance  
10 therewith. Deliberations about the creation of such rules, policies and procedures shall be  
11 considered open meetings in accord with the Missouri Sunshine Law. Copies of said rules shall  
12 be available to the public on the city's website and included in the COB's annual report.

13 B. Meetings. The COB shall meet as they deem necessary, but in no event shall they meet  
14 less than six-times per year with at least one meeting held in each quarter. The COB may vote to  
15 close a meeting as may be permitted by law, including section 610.021 of Missouri's Sunshine  
16 law provided, however; where the matters taken up by the COB concern the disciplining of an  
17 identified or identifiable Division of Police or Division of Corrections employee, personally  
18 identifiable healthcare records, a juvenile detainee, or where an individual detainee is personally  
19 identified or identifiable the COB shall, as may be permitted by law, close the meeting or the  
20 portion of the meeting that the matter is before it. The COB shall comply with the requirements  
21 for closed meetings in section 610.021 of Missouri's Sunshine law. The COB shall allow  
22 adequate time for public comment at each meeting.

1           C. Officers. The COB shall elect a chairperson, vice chairperson, and secretary at their  
2   initial meetings and annually thereafter except when otherwise required. COB officers shall  
3   serve one-year terms and shall not serve for more than two consecutive one-year terms but may  
4   be reelected to a position after a break in service of not less than twelve months, provided,  
5   however; officers elected to fill a vacancy for the remainder of an unexpired term shall be  
6   allowed complete two consecutive one-year terms.

7           D. COB Records and Record Maintenance. The COB shall maintain and retain records of  
8   its proceedings, inquiries, reports, and other materials that constitute records under the Missouri  
9   Sunshine Law. The COB Commissioner, or his or her designee, is designated as the COB  
10  custodian of records for purposes of Missouri's Sunshine law.

11          E. Orientation. The COB, in cooperation with the Division of Civilian Oversight  
12  Commissioner and Civilian Oversight Staff, shall develop and participate in an orientation  
13  program for new DFOB and COB members and incoming members of the Civilian Oversight  
14  Staff, which shall cover relevant operations of the Division of Police. The program shall also  
15  cover COB member responsibilities with respect to confidentiality, Missouri's Sunshine Law,  
16  citizens', detainees', and City employees' rights under the Constitution and state and federal  
17  laws, and state and federal laws governing police and detention facility operations, conditions  
18  and treatment of detainees, procedural justice, conflict resolution, national standards of  
19  constitutional policing, best practices for conducting investigations, and labor rights and laws,  
20  and history of the relationships between people of color and the economically poor and the  
21  police and correctional officers.

1           F. Conflict of Interest. No member of the COB shall participate in any matter in which  
2 they or any member of their family is a party or a witness or has a financial or professional  
3 interest or that otherwise presents a conflict of interest, real or perceived, of such magnitude that  
4 it calls into question the impartiality of the proceedings. A conflict of interest may be raised by  
5 any member of the COB and any question concerning whether a conflict disqualifies a member  
6 from participating in a particular matter shall be resolved conclusively by the City Counselor, in  
7 writing, but with no right of appeal.

8   **SECTION TWELVE. Effective Dates, Transition Period and Severability.**

9   It is hereby declared to be the intention of the Board of Aldermen that each and every part,  
10 section and subsection of this Ordinance shall be separate and severable from each and every  
11 other part, section and subsection hereof and that the Board of Aldermen intends to adopt each  
12 said part, section and subsection separately and independently of any other part, section and  
13 subsection. If any part, section or subsection of this Ordinance shall be determined to be or to  
14 have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be  
15 and remain in full force and effect, unless the court making such finding shall determine that the  
16 valid portions standing alone are incomplete and are incapable of being executed in accord with  
17 the legislative intent. It is hereby declared to be the intention of the Board of Aldermen that the  
18 provisions of this ordinance be interpreted in accordance with relevant state and federal law, and  
19 shall repeal and supersede any contrary local law. Notwithstanding, certain authority and actions  
20 provided for hereunder may be dependent on an adoption of rules by the Civil Service  
21 Commission, the entering into a Memorandum of Understanding between the Director of Public  
22 Safety and Circuit Attorney, and the creation of civil service positions and hiring process and this



1 Ordinance thus envisions and hereby provides for a reasonable transition during which  
2 preparatory actions may be undertaken with the operational dates of actions prescribed here held  
3 in abeyance and phased in and set by Executive Order of the Mayor, provided, however, that the  
4 transition shall be completed and all operational matters shall be or become effective and in  
5 place not later than 12 months after the ordinance becomes law.

**FISCAL NOTE**  
**BOARD BILL NUMBER 47**  
**COMMITTEE SUBSTITUTE AS AMENDED**

Preparer's Name: Nahuel Fefer, Director of Policy, Mayor's Office

Phone Number or Email Address (will be available publicly): [Fefern@stlouis-mo.gov](mailto:Fefern@stlouis-mo.gov)

Bill Sponsor: Alderwoman Shameem Clark Hubbard

<b>Bill Synopsis:</b>	Establishes a Division of Civilian Oversight within the Department of Public Safety to conduct professional standards inquiries into police and correctional misconduct; Authorizes the creation of a Public Integrity Unit in the Circuit Attorney's Office to conduct criminal investigations into police and correctional incidents. Expands the power, authority, resources and capacity of the Detention Facilities Oversight Board and Civilian Oversight Board.
<b>Type of Impact:</b>	This bill will have a significant fiscal impact. The Division of Civilian Oversight created herein is budgeted in the FY22-23 budget at \$1,301,221. The Public Integrity Unit referenced herein is budgeted in the FY22-23 budget at \$1,200,000.
<b>Agencies Affected:</b>	New Division of Civilian Oversight established in the Department of Public Safety; New Public Integrity Unit established in the Circuit Attorney's Office.

**SECTION A**

**Does this bill authorize:**

- An expansion of services which entails additional costs beyond that approved in the current adopted City budget?  

☐ Yes ☒ No.
- An undertaking of a new service for which no funding is provided in the current adopted City budget?  

☐ Yes ☒ No.
- A commitment of City funding in the future under certain specified conditions?  

☒ Yes ☐ No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted City budget?  

☐ Yes ☒ No.

- An execution or initiation of an activity as a result of federal or state mandates or requirements?

☐ Yes ☒ No.

- A capital improvement project that increases operating costs over the current adopted City budget?

☐ Yes ☒ No.

- A capital improvement project that requires funding not approved in the current adopted City budget or that will require funding in future years?

☐ Yes ☒ No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.**

### **SECTION B**

**Not applicable**

- Does the bill require the construction of any new physical facilities?    Yes   X   No.

- If yes, describe the facilities and provide the estimated cost:

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- Is the bill estimated to have a direct fiscal impact on any City department or office?   X   Yes    No.

- If yes, explain the impact and the estimated cost:

This bill will impact the Department of Public Safety, requiring the creation of a new Division of Civilian Oversight including a Commissioner of Civilian Oversight, an investigative team of ten employees dedicated to conducting accountability investigations, two Client Service Coordinators charged with liaising with families, a Government Services Analyst dedicated to supporting the oversight boards, a Human Resources Specialist dedicated to working with Personnel to initiate discipline, and three administrative staff. These fiscal impacts are detailed on page 3 below.

- Does the bill create a program or administrative subdivision?   X   Yes    No.

- If yes, then is there a similar existing program or administrative subdivision?  

X   Yes      No.
- If yes, explain the how the proposed programs or administrative subdivisions may overlap:

Yes, the city currently spends roughly \$2M on internal investigations (Internal Affairs: \$892K; Civilian Oversight Board: \$641K; Force Investigative Unit: \$396K). The functions of the Civilian Oversight Board would be incorporated into the Civilian Oversight Division, resulting in no duplication of services. Internal Affairs would retain jurisdiction over investigations and discipline pertaining to minor administrative matters, but the majority of its functions (and much of its budget) would be transferred to the Civilian Oversight Division. The Force Investigative Unit would remain in place to provide investigative capacity for criminal investigations led by the Circuit Attorney's Office.

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

There are limited, if any, equipment and maintenance costs associated with this proposal. The anticipated annual operating costs are described throughout this fiscal note.

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	\$1,161,327	~\$1,500,000
Additional Revenue	N/A	N/A	N/A
Net	N/A	\$1,161,327	~\$1,500,000
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	\$699,714	~\$850,000
Additional Revenue	N/A	N/A	N/A
Net	N/A	\$699,714	~\$850,000

- Describe any assumptions used in preparing this fiscal note:

The FY21-22 budget for the Civilian Oversight Board is \$641,026 – this will not be affected by this bill. Year 2 fiscal impact reflects funding appropriated to the Civilian Oversight Board and Public Integrity Unit in the FY22-23 budget. The General Fund impact is broken out into a \$660,195 increase to the Civilian Oversight Board's budget and a \$501,132 increase in funding to the Circuit

Attorney's Office to fund five legal investigator III positions. The Special Fund impact reflects a \$699,714 increase in the Circuit Attorney's Prop P (Fund 1125) budget to fund an Attorney Manager and two Attorney III positions, as well as a variety of contractual services. The Year 3 financial impact estimate reflects an assumption that, once fully staffed, the Civilian Oversight Division (COD) & Public Integrity Unit (PIU) will cost roughly \$1.75M and \$1.25M respectively.

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

FY22-23 Adopted Budget; SLMPD Budget & Annual Report; Civilian Oversight Board Budget & Quadrennial Report

Have the financial estimates of this bill been verified by the City Budget Division?

\_\_\_\_ Yes X No.

**BOARD BILL NUMBER 208CS                      SPONSORED BY ALDERMAN ANTONIO  
FRENCH, ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS,  
PRESIDENT LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN  
CHRIS CARTER, ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL  
MOORE, ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS,  
ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA,  
ALDERWOMAN MEGAN GREEN, ALDERWOMAN LYDA KREWSON, ALDERMAN  
SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY,  
ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

An ordinance establishing an Civilian Oversight Board in the City of St. Louis; establishing the

St. Louis Civilian Oversight Board, containing definitions, delineating the St. Louis Civilian

Oversight Board's composition, powers and duties, the administrative structure, inspection and

investigation procedures, cooperation of the Police Department, confidentiality and containing a

severability clause.

**WHEREAS**, the State of Missouri, pursuant to § 590.653, RSMo., explicitly grants authority to

local governments to establish civilian oversight boards to receive, review and make independent

findings and recommendations on complaints from members of the public against members of

the Police Department; and

**WHEREAS**, community policing, citizen cooperation, and citizen participation are vital to the

St. Louis Metropolitan Police Department's approach to law enforcement, and can be enhanced

by an independent citizen oversight process regarding allegations of misconduct; and

**December 5, 2014**

**Page 1 of 26**

**Board Bill No. 208CS                      SPONSORED BY ALDERMAN ANTONIO FRENCH,  
ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT  
LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER,  
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SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY,  
ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

1 **WHEREAS**, participation by members of the public in the process of receiving and reviewing  
2 civilian complaints against law enforcement officers and making recommendations regarding  
3 such complaints, as well as underlying policies, procedures and operation, enhances  
4 transparency, public trust and confidence in law enforcement agencies and police departments  
5 and increases the professionalism of such agencies and police departments; and

6 **WHEREAS**, civilian oversight can result in assuring the public that investigations into both  
7 legitimate and unfounded complaints were handled fairly, increasing public confidence in the  
8 outcomes; and

9 **WHEREAS**, civilians who provide oversight can in some cases agree with the findings of  
10 internal police investigations, in others find in favor of citizens whose complaints were deemed  
11 to be unfounded by the Police Department, and in others can find in favor of the police officers  
12 who were deemed to have violated rules and regulations by the Police Department; and

13 **WHEREAS**, civilian oversight must treat both citizens and officers fairly, and result in a  
14 stronger partnership between the citizens and police to more effectively reduce crime and make  
15 neighborhoods safer.

16 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**December 5, 2014**

**Page 2 of 26**

**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH,  
ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT  
LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER,  
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SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY,  
ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

**SECTION ONE The St. Louis Civilian Oversight Board Established.**

An independent civilian review board, entitled the St. Louis Civilian Oversight Board is hereby established, pursuant to § 590.653, RSMo., comprised solely of members of the public with the authority to investigate allegations of police misconduct, research and assess police policies, operations and procedures, and make findings and recommendations.as provided in this section.

The St. Louis Civilian Oversight Board shall be a division of the Public Safety Department of the City of St. Louis.

**SECTION TWO. Definitions**

A. “City” shall mean the City of St. Louis.

B. “COB” shall mean the St. Louis Civilian Oversight Board and the seven members appointed pursuant to this Ordinance.

C. “Commissioner” shall mean the head of the St. Louis Metropolitan Police Department whether otherwise referenced as Police Commissioner or Chief of Police.

D. “Complainant” shall mean a member of the public who submits a complaint to the IAD or the COB for inspection and investigation.

E. "Complaint" shall mean any request directed to IAD or the COB to inspect and investigate alleged misconduct ~~against~~ **by** members of the Police Department involving excessive use of force, abuse of authority, sexual harassment and assault, discourtesy, racial

**December 5, 2014**

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH, ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER, ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL MOORE, ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS, ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA, ALDERWOMAN MEGAN GREEN, ALDERWOMAN LYDA KREWSON, ALDERMAN SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY, ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**



1 profiling, or use of offensive language, including, but not limited to, slurs relating to race,  
2 ethnicity, religion, gender, sexual orientation, gender identity, immigrant status, and disability.

3 F. “Hearing” shall mean any meeting held by the COB to address, make findings and  
4 make recommendations regarding complaints submitted by members of the public related to  
5 allegations of misconduct by members of the Police Department.

6 G. “IAD” shall mean the Internal Affairs Division of the St. Louis Metropolitan  
7 Police Department.

8 H. “IAD Investigation” shall mean all actions, analysis, findings and conclusions  
9 regarding complaints conducted by IAD.

10 I. “Independent Inquiry” shall mean COB’s separately conducted examination of an  
11 IAD Investigation wherein the COB may: request the attendance of complainants, witnesses, and  
12 employees of the Police Department at interviews; access, under reasonable terms, physical  
13 evidence; and otherwise investigate the circumstances.

14 J. “Inspection” shall mean the process in which the COB engages in Monitoring,  
15 Reviewing, and conducting Independent Inquiries.

16 K. “Monitor” and “Monitoring” shall mean the COB’s active observation of an  
17 ongoing IAD Investigation, including meetings and witness interviews.

18 L. “Police Department” shall mean the Saint Louis Metropolitan Police Department.

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH,  
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1 M. “Reconsideration Request” shall mean the COB’s request to IAD for additional  
2 examination or action on a Complaint.

3 N. “Review” and “Reviewing” shall mean the COB’s examination of all evidence  
4 pertaining to any ongoing IAD Investigation. It shall include the filing of any Reconsideration  
5 Requests.

6 O. “Staff”, whether or not capitalized, shall mean the COB Executive Director, any  
7 Department of Public Safety personnel assigned to work on COB business, or any other  
8 individual acting for or on behalf of, or providing assistance to, the COB.

9 **SECTION THREE St. Louis Civilian Oversight Board**

10 1. COB: The COB shall consist of seven (7) members of the public nominated by  
11 the Mayor of the City of St. Louis and confirmed by the Board of Aldermen.

12 2. Qualifications: To qualify for nomination, confirmation, and continued service on  
13 the COB, an individual must satisfy all of the following qualifications:

14 A. The individual must be a resident of the City of St. Louis.

15 B. The individual must have reached the age of eighteen (18) by the date that they  
16 will take office as a member of the COB.

17 C. The individual must not hold any public office within the State of Missouri.

**December 5, 2014**

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH,  
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1 D. The individual must not be an employee of the City of St. Louis or of the State  
2 of Missouri.

3 E. The individual may not have an immediate family member who is currently  
4 employed by the Police Department.

5 F. The individual must not have been convicted of any State or Federal criminal  
6 offense constituting a felony. A conviction includes a finding of guilt by the  
7 trier of fact, a guilty plea, an Alford plea and/or any acknowledgment of guilt  
8 (Suspended Execution).

9 3. Fairness: The Mayor shall nominate to the COB and the Board of Aldermen shall  
10 confirm to the COB only citizens who can be fair and objective. The COB members shall  
11 always serve as neutrals who do not favor the complainant or the accused police officer, and  
12 shall act and make decisions in their capacity as COB members based only upon the facts and the  
13 evidence before them. At any given time, the COB may not have more than one (1) member  
14 who previously was a commissioned employee of any municipal, state, or federal law  
15 enforcement agency. No individual shall be considered to be a commissioned employee of any  
16 municipal, state, or federal law enforcement agency solely because of the individual served in the  
17 United States Military.

**December 5, 2014**

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH,  
ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT  
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SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY,  
ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

4. COB Districts: There shall be one COB member who resides in each of the seven (7) Civilian Oversight Board Districts (“COB Districts”). Each COB District shall consist of four (4) Aldermanic wards as follows:

- A. District One: Wards 2, 3, 21, 27
- B. District Two: Wards 5, 6, 18, 19
- C. District Three: Wards 1, 4, 22, 26
- D. District Four: Wards 7, 8, 9, 17
- E. District Five: Wards 11, 12, 13, 16
- F. District Six: Wards 14, 15, 20, 25
- G. District Seven: Wards 10, 23, 24, 28

If there are any future changes in the number of aldermen, the Board of Aldermen shall by ordinance reduce the number of wards that constitute each COB District. Any such reduction shall ensure that the composition of the COB continues to reflect the diversity of the City.

5. Appointment Process: COB members shall be confirmed as follows:

A. Recommendation: Within thirty days of the effective date of this Ordinance and within thirty days of any vacancy on the COB, the Clerk of the Board of Aldermen shall deliver to the Office of the Mayor the names of any qualified individuals recommended by the Aldermen for the COB District position that is vacant. Any individuals

**December 5, 2014**

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH, ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER, ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL MOORE, ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS, ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA, ALDERWOMAN MEGAN GREEN, ALDERWOMAN LYDA KREWSON, ALDERMAN SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY, ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

recommended by Aldermen must reside within the COB District and must meet all qualifications for service as a COB member at the time the individuals are recommended.

B. Nomination: Within thirty (30) days of receipt of recommended names, the Mayor shall deliver to the Board of Aldermen nominations for the vacant COB positions. The Mayor may nominate any qualified person to serve as a COB member for that COB District; however, before nominating a COB member, the Mayor shall consider for nomination any individual recommended by the Aldermen in the respective COB District.

C. Confirmation: Within ninety days of the Mayor's nomination, the Public Safety Committee of the Board of Aldermen shall hold public hearings concerning the nominees and the Board of Aldermen shall vote on whether to confirm the nominees. If a majority of the members of the Board of Aldermen vote to confirm a nominee, the nominee shall be appointed as a COB member. In the event an individual is not confirmed by a majority of the Board of Aldermen, the Mayor shall deliver to the Board of Aldermen a new nominee for that COB District within thirty days of the Board of Aldermen voting not to confirm the prior nominee.

6. Term of Office: Except with respect to initial terms, each member of the COB shall serve for a four (4) year term, with terms expiring on December 31 of the designated year. Once appointed and confirmed, a member shall serve until a successor is appointed notwithstanding the expiration of the term. No member may serve more than two (2)

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consecutive terms. Any member of the COB shall be removed for misconduct arising from the violation of any of the rules regarding the Sunshine Law, privacy rights and the handling of records as outlined in the ordinance, in accordance with COB procedures adopted pursuant to Section Four, paragraph 7 of this ordinance.

7. Initial Terms: The first members appointed to the COB after adoption of this Ordinance shall serve initial terms as follows: the initial terms for members of the COB from even-numbered COB Districts shall be two (2) years; the initial terms for members of the COB from odd-numbered COB Districts shall be four (4) years.

8. Selection: Ninety (90) days before the expiration of a COB member's term a notice from the COB shall be sent to the Board of Aldermen and Mayor giving notice of the upcoming expiring term. After this notice the remaining selection process shall follow the Initial Selection procedure described in this section.

9. Vacancies: Vacancies on the COB occasioned by resignation, expiration of term, loss of qualifications, or otherwise, shall be reported in writing to the Mayor and the Board of Aldermen by the COB. The vacancy shall be filled as set forth in the Initial Selection section of this ordinance. Individuals considered for appointment to fill the vacancy shall be from the same COB District as the individual being replaced. Appointments to fill vacancies shall be for the unexpired portion of a term.

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10. Compensation: The members of the COB shall serve without compensation of any kind.

#### **SECTION FOUR. Authority and Duties**

1. Authority: The COB shall have the authority to receive Complaints, monitor IAD Investigations regarding Complaints, and review completed IAD Investigations regarding Complaints in accordance with the provisions of this Ordinance.

2. Mediation: The COB may recommend that specific Complaints be resolved through a process of voluntary mediation between the parties.

3. Findings and Recommendations: The findings and recommendations of the COB and the basis therefore shall be submitted to the Commissioner. No finding shall be based solely upon an unsigned, unsworn, unaffirmed or anonymous complaint or statement, nor shall prior unsubstantiated or unfounded complaints be the basis for any such findings. The COB's recommendations may include, among other things, recommendations regarding, policy, operations and procedures without reference to a specific complaint. Whenever possible, recommendations regarding policy, operations and procedures should be formulated, researched, and evaluated in consultation with relevant employees of the Police Department and done in a spirit of cooperative problem-solving.

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1           4.       Reports Regarding Implementation: The Director of Public Safety shall provide  
2 information to the COB concerning whether the COB's recommendations were implemented.

3           5.       Records: To the extent permitted by law, the COB shall have access to, and the  
4 ability to obtain copies of all records, policy statements, operational and procedural guidelines  
5 and manuals necessary to perform its function.

6           6.       Rules: The COB shall, by majority vote and after consultation with the Director  
7 of Public Safety, adopt rules and procedures that prescribe operating procedures regarding its  
8 meetings and administrative protocols, the manner in which it will conduct Inspections, provide  
9 findings to the Commissioner, inform complainants of the status of Inspections, and fulfill other  
10 duties and responsibilities outlined in this ordinance. These rules and procedures shall be  
11 available to the public and employees of the police department.

12          7.       Procedures: The COB shall adopt and/or establish a system of internal controls for  
13 the development of a case management system. The COB shall develop a classification system  
14 for complaints with guidelines for the proper handling of each type of complaint. The COB shall  
15 establish reasonable timelines for each stage of the complaint process such as intake, classifying,  
16 IAD investigations, COB inspections and disposition of cases.

17          8.       Manual and Training: The COB, in consultation with the Director of Public  
18 Safety, shall develop a Standards of Professional Conduct Manual for COB and staff. As part of  
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1 the professional standards training, the COB shall implement a training program for COB and  
2 staff, in cooperation with the Police Department, in areas such as investigative techniques, proper  
3 knowledge of the workings of the Police Department, field safety, the responsibilities of COB  
4 membership, human rights, constitutional rights, rights during police stops, and search warrant  
5 law. Each COB member and staff member (other than a volunteer) must complete a course of the  
6 Citizens Academy prior to considering or hearing their first case. The Standards of Professional  
7 Conduct shall include the confidentiality requirements contained in this Ordinance. Each COB  
8 member shall abide by the Standards of Professional Conduct and satisfactorily complete the  
9 training within six months after confirmation. The COB may adopt a training program for  
10 volunteers that is appropriate in time and substance for the work the volunteer will perform. For  
11 purposes of these training requirements, COB members shall not be considered volunteers.

12 9. Annual Report: The COB, in consultation with the Executive Director of the  
13 COB, shall issue to the Commissioner, the Director of Public Safety, the Mayor, and the Board  
14 of Aldermen an annual report that describes the COB's activities and summarizes its actions.  
15 The report shall not reveal the names of any officer or include any other information that is not  
16 publicly available. In addition to a summary of activities, this report may:

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- 1           A.     Analyze aggregate data derived from the prior year's complaints  
2               (including the type and category of complaints) and responses and identify any  
3               systematic problems, challenges, or opportunities;
- 4           B.     To the extent necessary, include recommendations related to Police  
5               Department policies and procedures, racial profiling, and systemic problems;
- 6           C.     Analyze statistics by police district, the number of complaints per officer,  
7               the number of complaints for specific officers;
- 8           D.     Analyze aggregate data regarding the outcome of complaints, including  
9               whether the accused officer was exonerated or the complaint was determined to be  
10              unfounded, not sustained, or sustained and provide analysis of the Police  
11              Department's actions in response to COB recommendations; and
- 12          F.     Report on the COB's community outreach activities.

13   This report shall be made available to the public and presented to the public at an annual  
14   meeting as prescribed and adopted by the COB. Adequate notification of such annual meeting  
15   shall be published in the City Journal and in other locations representing the diversity of the City.

16          10.     Public Education: The COB shall inform the public about the COB and its duties,  
17   and shall develop and administer an ongoing program for the outreach and education of the

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public, in a manner that is reasonably accessible to all people, regarding its role in providing civilian review of Police Department disciplinary matters.

11. Internal Audits: The COB shall perform regular audits of intake procedures, inspections, timeliness, and disposition of complaints. The COB shall distribute survey forms to all complainants and subject officers to obtain feedback concerning the operation of the COB.

12. Profiling Data: The COB may review all relevant ~~racial~~ profiling, pedestrian stops, and vehicle stops data and statistics compiled by government and private entities, and shall use it to help determine if the Police Department or its employees appear to engage in profiling. The COB may, by majority vote of its members at a meeting when a quorum is present, recommend policy, operational or procedural changes it deems appropriate.

13. Due Process: Unless required by court order, the COB members, the COB staff, the Director of Public Safety, and the Commissioner shall not make any public comments about a Complaint that prejudices the outcome of the IAD investigation and COB review before the COB completes its inspection and submits its final findings and recommendations.

## **SECTION FIVE. Administrative Structure**

1. Staff: The Director of Public Safety, with the approval of the COB, will assign a staff member to act as the COB Executive Director. The COB Executive Director shall assign investigative and administrative staff from the Department of Public Safety necessary for the

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1 COB to adequately fulfill its duties. Investigative staff shall not be current or former  
2 commissioned employees of the Police Department, nor shall any such staff have an immediate  
3 family member employed by the Police Department. The COB may delegate to staff the  
4 performance of any of the COB's duties except where this Ordinance specifically requires the  
5 COB to act by majority vote. The Department of Public Safety shall provide office space and  
6 meeting space for the COB.

7         2.         Budget: The Department of Public Safety shall include the COB as part of its  
8 annual budget request to the City. The COB must, at all times, comply with the budget and other  
9 financial processes of the Charter.

10         3.         Volunteers: The COB shall have the authority to create volunteer committees to  
11 assist with the compiling of data and to research specific aspects of policy, operations and  
12 procedures. No volunteer committee member shall be directly involved in any case review or  
13 Inspection process, nor shall any volunteer have access to any information that is not available to  
14 the general public under the Sunshine Law.

15         4.         Legal Advice and Representation: The COB and its members acting in their  
16 official capacity as COB members shall obtain legal advice by and through the City Counselor's  
17 office. The City Counselor's office shall provide such advice to the COB and its members acting

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1 in their official capacity as COB members in a manner consistent with the Charter and with the  
2 applicable Rules of Professional Conduct, including applicable conflict of interest rules. This  
3 Ordinance shall not be interpreted to allow the COB or its members any rights to indemnity.

4 **SECTION SIX. Inspection Procedures**

5 1. Complaint Intake and Sharing: The COB and the Police Department shall create a  
6 joint civilian complaint form that shall be readily available to the general public at all Police  
7 Department facilities that have areas open to the public, the office of the Department of Public  
8 Safety, and all other locations that are recommended by the COB and approved by the Director  
9 of Public Safety. A complaint shall be properly completed and submitted only if it is signed by  
10 the complainant. If the complainant submits the complaint form to the COB, the COB shall  
11 forward the complaint to the IAD within two (2) business days after receiving it. If the  
12 complainant submits the complaint form to the Police Department, the Police Department shall  
13 forward the complaint to the COB within two (2) business days after receiving it.

14 2. Investigation of Complaints: All complaints received by the COB or the Police  
15 Department shall be investigated by IAD according to the protocols for IAD Investigation. IAD  
16 shall not refuse to investigate any such complaint.

17 3. COB Criteria for Inspection: The COB shall establish criteria to determine which  
18 complaints warrant various levels of Inspection, including such factors as seriousness of

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1 complaint and identification of patterns of misconduct. The COB will not investigate  
2 employment-related complaints against fellow officers or superiors.

3         4.       Mediation: At any time during the process, the COB or IAD may recommend to  
4 the complainant, the Police Department member(s) who is/are the subject of the complaint, and  
5 the Commissioner that a complaint be mediated. If the complainant, the Police Department  
6 member(s) who is/are the subject of the complaint, and the Commissioner agree to mediation, the  
7 COB process shall cease and, if the complaint is resolved through mediation, the complaint shall  
8 be classified as having been resolved through mediation. Any resolution through mediation must  
9 be agreed to by the complainant, the Police Department member(s) who is/are the subject of the  
10 complaint, and the Commissioner. If a resolution is not reached through mediation, the COB  
11 process shall be re-activated.

12         5.       Monitoring: The COB may Monitor the IAD Investigation by attending IAD  
13 interviews of witnesses and obtaining copies of all recordings, documents and/or other evidence  
14 as the IAD Investigation proceeds as provided for in this ordinance and in a manner that is  
15 consistent with the Charter, and the rules and regulations of the Department of Personnel, the  
16 Sunshine Law, and the privacy rights of employees. The COB may, by a majority vote of its  
17 members voting at a meeting where a quorum is present, designate one of its members and/or a  
18 staff person to attend IAD's interviews of civilian witnesses; the member so designated may

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1 attend IAD interviews of civilian witnesses. The COB may not attend IAD's interviews with  
2 Police Department employees. COB members shall not interfere with the investigation, delay  
3 the investigation beyond normal coordination of schedules or as outlined in this ordinance, or in  
4 any way interfere with or act contrary to the Charter of the City of St. Louis. The COB member  
5 present for the interview may not ask questions during the interview, but may provide IAD with  
6 suggested questions for the interview before an interview begins or during designated breaks  
7 during the interviews. During such interviews, the COB member may make reasonable requests  
8 to IAD for breaks during the interviews, but may not do so in a manner that interferes with the  
9 interviews. The Police Department shall coordinate scheduling of interviews and access to  
10 evidence with the COB when a notification to monitor IAD Investigations is made by the COB.

11           6.       Recording: All interviews conducted by IAD or the COB as part of their  
12 Investigations or Inspections shall be audio and video recorded in entirety.

13           7.       Extensions for the IAD Investigation: Within ninety (90) days of receiving a  
14 complaint, IAD shall complete its investigation unless the Commissioner, for good cause,  
15 authorizes additional time for IAD to complete its investigation. If the Commissioner authorizes  
16 additional time, the Commissioner shall notify the COB that additional time has been authorized.  
17 The Commissioner may not extend the time for investigation by more than one hundred twenty  
18 (120) days unless either: (a) there are extraordinary circumstances that require an extension; (b) a

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1 criminal charge arising from the subject matter of the complaint is pending against the officer; or  
2 (c) the United States Attorney, the Circuit Attorney, or other federal or state law enforcement  
3 requests that the investigation be extended or not be completed at that time. If any of these  
4 circumstances are present, the Commissioner must provide the Director of Public Safety and  
5 Chair of the COB an explanation for the delay.

6 8. Completing the IAD Investigation and Forwarding Information: Upon  
7 completion of its investigation, IAD shall submit its findings and recommendation to the  
8 Commissioner pursuant to the Police Manual. Within a reasonable time, the Commissioner shall  
9 forward the investigative file to the COB. The investigative file the Commissioner forwards to  
10 COB shall include the IAD's findings, recommendation, and all recordings and documents from  
11 its investigation, to the extent permitted by law.

12 9. Independent COB Review: Upon receipt of IAD's findings and  
13 recommendations, the COB shall conduct an independent review of the findings, information,  
14 evidence and recommendations of IAD. In order to conduct its independent review, the COB  
15 may inspect any and all physical evidence gathered by, or in the custody of, IAD pertaining to  
16 the complaint and the investigation of such complaint. Upon request, IAD shall permit the  
17 reasonable inspection of all such evidence by the COB.

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1           10.    COB Review: Within thirty (30) days after receiving IAD's findings and  
2 recommendations:

3           A.     If a majority of the COB members, voting at a meeting where a quorum is  
4 present, agree with the IAD findings and recommendations, the COB shall notify  
5 the Commissioner and Public Safety Director in writing of its agreement.

6           B.     If a majority of the COB members, voting at a meeting where a quorum is  
7 present, disagree with IAD's findings and recommendations, the COB shall  
8 notify the Commissioner and Public Safety Director in writing of its  
9 disagreement.

10          C.     Request for Reconsideration: If a majority of the COB members, voting at  
11 a meeting where a quorum is present, determines that further investigation is  
12 warranted, the COB shall present any inquiries and suggestions to the Public  
13 Safety Director and may also request that the Public Safety Director direct the  
14 Commissioner to command the presence of designated members of IAD at any  
15 meeting of the COB during which an investigative review is conducted. Within  
16 thirty (30) days of receipt of receiving the requested information, the COB shall  
17 notify the Commissioner in writing that it either agrees or disagrees with IAD's  
18 findings and recommendations. If the COB disagrees with IAD's findings and

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1 recommendations, it may submit its own findings and recommendations to the  
2 Commissioner or vote to conduct an Independent Inquiry.

3 D. Independent Inquiry: If the COB finds, by an affirmative vote of at least  
4 five of its members, that IAD failed to investigate a Complaint, failed to properly  
5 notify and involve the COB pursuant to this Ordinance, failed to follow its own  
6 protocols in conducting the investigation, or failed to provide the COB with  
7 findings and information as required by this Ordinance, the COB may conduct an  
8 Independent Inquiry. Within ninety (90) days of voting to conduct an  
9 Independent Inquiry, the COB shall report its findings and recommendations to  
10 the Commissioner.

11 11. COB Findings and Recommendations: The COB shall determine, by majority  
12 vote of its members at a meeting where a quorum is present and based on a preponderance of the  
13 evidence, final findings and recommendations. The COB may, in its internal operating  
14 procedures, provide an opportunity for the complainant, the subject of the complaint, or the  
15 Commissioner, to ask the COB to reconsider its findings before they are finalized. The COB's  
16 final findings and recommendations shall be forwarded in writing to the Commissioner and the  
17 Director of Public Safety.

**December 5, 2014**

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH,  
ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT  
LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER,  
ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL MOORE,  
ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS,  
ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA,  
ALDERWOMAN MEGAN GREEN, ALDERWOMAN LYDA KREWSON, ALDERMAN  
SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY,  
ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

1           12.    Suspension of Inspection: If grand jury or litigation proceedings are initiated  
2 against the subject officer and the IAD Investigation is suspended for similar reasons, COB  
3 Inspection of any complaint shall be suspended. Records relating to criminal proceedings shall  
4 not be made available to the COB unless they are otherwise public records.

5           13.    Maintaining Files: The COB shall maintain its files for each Inspection for a  
6 period of ten (10) years or as required by the Sunshine Law, whichever period is longer.

7           14.    Officer-Involved Shootings. In the event of any officer-involved shooting that  
8 results in the fatality of a civilian:

9                   A.     The Director of Public Safety shall inform, as soon as practical, the COB  
10 members and the COB Executive Director that the officer-involved shooting occurred. The COB  
11 members and staff shall not interfere with any investigation into the officer-involved shooting.

12                   B.     The Commissioner shall provide the COB with copies of IAD's findings,  
13 recommendation, and investigative file only after the Force Investigative Unit and the Deadly  
14 Force Review Board have completed their analyses and provided their final reports to the  
15 Commissioner.

16                   C.     The Director of Public Safety shall request that the Attorney General of  
17 the State of Missouri oversee or conduct the IAD investigation concerning the incident. If the

**December 5, 2014**

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH,  
ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT  
LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER,  
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SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY,  
ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

Attorney General agrees to do so under reasonable terms, the Attorney General's investigation shall be treated as the IAD investigation for purposes of this Ordinance and the COB's role as described in this Ordinance shall continue as if the IAD investigation was overseen or conducted by IAD rather than by the Attorney General.

#### **SECTION SEVEN. Cooperation of the Police Department**

1. Providing Information: It shall be the duty of the Department of Public Safety and the Police Department to provide such assistance as the COB may reasonably request, to cooperate with the COB and to provide to the COB, upon request, all records and access to other materials which are necessary for the Inspection of complaints submitted pursuant to this section and that are not otherwise closed or cannot be provided under the law.

2. Employee Participation: The COB may, by a majority vote when a quorum is present, request that the Public Safety Director direct the Commissioner to command the presence of designated members of IAD at any meeting of the COB during which an investigative review is conducted.

3. Commissioner's Determinations: The Commissioner shall report in writing to the COB any actions taken in cases in which the COB submitted findings and recommendations to the Commissioner with respect to an individual complaint or police policy, procedure or operations recommendation. The Commissioner shall notify the COB in writing of any decision

**December 5, 2014**

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH, ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER, ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL MOORE, ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS, ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA, ALDERWOMAN MEGAN GREEN, ALDERWOMAN LYDA KREWSON, ALDERMAN SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY, ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

imposed or other actions taken. If the Commissioner's actions contradict the COB's recommendations, then the Commissioner shall provide a written explanation to the COB.

4. Non-Interference: This Ordinance shall not be construed in any way to limit, interfere with, or impair the authority, power, or duties of the Commissioner and/or his delegates, the Director of Personnel, or the Civil Service Commission to discipline members of the Police Department, approve such discipline, and consider appeals from such discipline. This Ordinance shall not be construed in any way to limit, interfere with, or impair the rights or privacy interests of employees of the Police Department with respect to disciplinary action, including, but not limited to, the right to notice and hearing, which may be established by law. This Ordinance shall not be construed in any way to prevent or hinder the investigation or prosecution of members of the Police Department for violations of law by any court of competent jurisdiction, a grand jury, prosecutor, or other authorized officer, agency, or body.

#### **SECTION EIGHT. Confidentiality**

1. Markings: When submitting information to each other, the Police Department and the COB shall place identifying marks on any confidential information or otherwise conspicuously identify the information as confidential.

2. Adherence: The COB and staff shall be subject to the provisions of the Sunshine Law, including Chapter 610 of the Revised Code of the State of Missouri.

**December 5, 2014**

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH, ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER, ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL MOORE, ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS, ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA, ALDERWOMAN MEGAN GREEN, ALDERWOMAN LYDA KREWSON, ALDERMAN SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY, ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

1           3.       COB Meetings: The COB shall hold closed meetings in compliance with State  
2 law (including § 610.021, RSMo.), in any matter that includes the reviewing and investigating of  
3 a complaint regarding personnel, personnel records, or any other records protected from  
4 disclosure by law.

5           4.       Responsibility: All COB members and related staff are required to maintain the  
6 confidentiality of any file, record, or data received concerning an incident or complaint. The  
7 COB members and staff are bound by rules of confidentiality including with respect to any  
8 personnel, disciplinary, and other confidential documents that they review.

9           5.       Violation: It shall be a violation of this ordinance for anyone in the COB to  
10 disclose confidential information to anyone other than another COB member or staff member,  
11 the City Counselor's office, the Director of Public Safety or the Director of Public Safety's  
12 designee, or authorized Police Department personnel. Any COB member who is found guilty of  
13 such unlawful disclosure shall be subject to sanctions as set forth in rules and regulations of the  
14 COB and Missouri Statute. If a COB member is found to have released confidential  
15 information to any person unauthorized to receive such information the COB member shall  
16 immediately be disqualified from serving on the COB and the COB shall refer such person to  
17 appropriate law enforcement authorities. If any COB member or staff suspects that any COB

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH,  
ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT  
LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER,  
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ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

member has violated the law, including suspected violations of the Sunshine Law, the matter shall be referred to the Police Department for investigation.

6. Custodian of Records: The custodian of records for the Department of Public Safety shall be the custodian of records for the COB.

7. Confidentiality Questions: If the COB members have any questions pertaining to the Sunshine Law or confidentiality, the COB must contact the City Counselor's Office and must act according to the legal opinion provided by the City Counselor's Office. If there is any question concerning the confidential nature of a document or information, COB members must act as if that document or information is confidential until the COB has requested and received a legal opinion from the City Counselor's Office.

#### **SECTION NINE. Severability Clause**

The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

**December 5, 2014**

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**Board Bill No. 208CS**

**SPONSORED BY ALDERMAN ANTONIO FRENCH, ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER, ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL MOORE, ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS, ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA, ALDERWOMAN MEGAN GREEN, ALDERWOMAN LYDA KREWSON, ALDERMAN SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY, ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

ORDINANCE NUMBER 70532

1    **BOARD BILL NO. 306            INTRODUCED BY ALDERMAN TERRY KENNEDY**

2            An amendment to Ordinance 69984 (which established the Civilian Oversight Board  
3    in the City of St. Louis), extending the number of days that the St. Louis Civilian Oversight  
4    Board has to review complaints and make recommendations by amending Section Six of said  
5    ordinance 69984; and containing a severability clause.

6            **WHEREAS**, pursuant to Board Rule 54, the proposed amendments to Ordinance  
7    69984 are set out in the body of this bill, with additions marked in **boldface** and deletions  
8    marked with [~~brackets and boldface strikethrough~~].

9            **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

10          **SECTION ONE.** Section Six of Ordinance 69984, approved June 6, 2015, is hereby  
11    revised to read as follows:

12    **SECTION SIX. Inspection Procedures**

13          1.      Complaint Intake and Sharing: The COB and the Police Department shall  
14    create a joint civilian complaint form that shall be readily available to the general public at all  
15    Police Department facilities that have areas open to the public, the office of the Department  
16    of Public Safety, and all other locations that are recommended by the COB and approved by  
17    the Director of Public Safety. A complaint shall be properly completed and submitted only if  
18    it is signed by the complainant. If the complainant submits the complaint form to the COB,  
19    the COB shall forward the complaint to the IAD within two (2) business days after receiving  
20    it. If the complainant submits the complaint form to the Police Department, the Police

January 27, 2017

Page 1 of 8

Board Bill No. 306

Sponsor: Alderman Terry Kennedy



ORDINANCE NUMBER 70532

1 Department shall forward the complaint to the COB within two (2) business days after  
2 receiving it.

3 2. Investigation of Complaints: All complaints received by the COB or the  
4 Police Department shall be investigated by IAD according to the protocols for IAD  
5 Investigation. IAD shall not refuse to investigate any such complaint.

6 3. COB Criteria for Inspection: The COB shall establish criteria to determine  
7 which complaints warrant various levels of Inspection, including such factors as  
8 seriousness of complaint and identification of patterns of misconduct. The COB will not  
9 investigate employment-related complaints against fellow officers or superiors.

10 4. Mediation: At any time during the process, the COB or IAD may recommend  
11 to the complainant, the Police Department member(s) who is/are the subject of the complaint,  
12 and the Commissioner that a complaint be mediated. If the complainant, the Police  
13 Department member(s) who is/are the subject of the complaint, and the Commissioner agree  
14 to mediation, the COB process shall cease and, if the complaint is resolved through  
15 mediation, the complaint shall be classified as having been resolved through mediation. Any  
16 resolution through mediation must be agreed to by the complainant, the Police Department  
17 member(s) who is/are the subject of the complaint, and the Commissioner. If a resolution is  
18 not reached through mediation, the COB process shall be re-activated.

19 5. Monitoring: The COB may Monitor the IAD Investigation by attending IAD  
20 interviews of witnesses and obtaining copies of all recordings, documents and/or other  
21 evidence as the IAD Investigation proceeds as provided for in this ordinance and in a manner

January 27, 2017

Page 2 of 8

Board Bill No. 306

Sponsor: Alderman Terry Kennedy

ORDINANCE NUMBER 70532

1 that is consistent with the Charter, and the rules and regulations of the Department of  
2 Personnel, the Sunshine Law, and the privacy rights of employees. The COB may, by a  
3 majority vote of its members voting at a meeting where a quorum is present, designate one of  
4 its members and/or a staff person to attend IAD's interviews of civilian witnesses; the  
5 member so designated may attend IAD interviews of civilian witnesses. The COB may not  
6 attend IAD's interviews with Police Department employees. COB members shall not  
7 interfere with the investigation, delay the investigation beyond normal coordination of  
8 schedules or as outlined in this ordinance, or in any way interfere with or act contrary to the  
9 Charter of the City of St. Louis. The COB member present for the interview may not ask  
10 questions during the interview, but may provide IAD with suggested questions for the  
11 interview before an interview begins or during designated breaks during the interviews.  
12 During such interviews, the COB member may make reasonable requests to IAD for breaks  
13 during the interviews, but may not do so in a manner that interferes with the interviews. The  
14 Police Department shall coordinate scheduling of interviews and access to evidence with the  
15 COB when a notification to monitor IAD Investigations is made by the COB.

16 6. Recording: All interviews conducted by IAD or the COB as part of their  
17 Investigations or Inspections shall be audio and video recorded in entirety.

18 7. Extensions for the IAD Investigation: Within ninety (90) days of receiving a  
19 complaint, IAD shall complete its investigation unless the Commissioner, for good cause,  
20 authorizes additional time for IAD to complete its investigation. If the Commissioner  
21 authorizes additional time, the Commissioner shall notify the COB that additional time has

January 27, 2017

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Board Bill No. 306

Sponsor: Alderman Terry Kennedy

ORDINANCE NUMBER 70532

1 been authorized. The Commissioner may not extend the time for investigation by more than  
2 one hundred twenty (120) days unless either: (a) there are extraordinary circumstances that  
3 require an extension; (b) a criminal charge arising from the subject matter of the complaint is  
4 pending against the officer; or (c) the United States Attorney, the Circuit Attorney, or other  
5 federal or state law enforcement requests that the investigation be extended or not be  
6 completed at that time. If any of these circumstances are present, the Commissioner must  
7 provide the Director of Public Safety and Chair of the COB an explanation for the delay.

8           8.       Completing the IAD Investigation and Forwarding Information: Upon  
9 completion of its investigation, IAD shall submit its findings and recommendation to the  
10 Commissioner pursuant to the Police Manual. Within a reasonable time, the Commissioner  
11 shall forward the investigative file to the COB. The investigative file the Commissioner  
12 forwards to COB shall include the IAD's findings, recommendation, and all recordings and  
13 documents from its investigation, to the extent permitted by law.

14           9.       Independent COB Review: Upon receipt of IAD's findings and  
15 recommendations, the COB shall conduct an independent review of the findings,  
16 information, evidence and recommendations of IAD. In order to conduct its independent  
17 review, the COB may inspect any and all physical evidence gathered by, or in the custody of,  
18 IAD pertaining to the complaint and the investigation of such complaint. Upon request, IAD  
19 shall permit the reasonable inspection of all such evidence by the COB.

20           10.      COB Review: Within [~~thirty (30)~~] **sixty (60)** days after receiving IAD's  
21 findings and recommendations:

ORDINANCE NUMBER 70532

1           A.       If a majority of the COB members, voting at a meeting where a  
2                   quorum is present, agree with the IAD findings and recommendations, the  
3                   COB shall notify the Commissioner and Public Safety Director in writing of  
4                   its agreement.

5           B.       If a majority of the COB members, voting at a meeting where a  
6                   quorum is present, disagree with IAD's findings and recommendations, the  
7                   COB shall notify the Commissioner and Public Safety Director in writing of  
8                   its disagreement.

9           C.       Request for Reconsideration: If a majority of the COB members,  
10                  voting at a meeting where a quorum is present, determines that further  
11                  investigation is warranted, the COB shall present any inquiries and  
12                  suggestions to the Public Safety Director and may also request that the Public  
13                  Safety Director direct the Commissioner to command the presence of  
14                  designated members of IAD at any meeting of the COB during which an  
15                  investigative review is conducted. Within [~~thirty (30)~~] **sixty (60)** days of  
16                  receipt of receiving the requested information, the COB shall notify the  
17                  Commissioner in writing that it either agrees or disagrees with IAD's findings  
18                  and recommendations. If the COB disagrees with IAD's findings and  
19                  recommendations, it may submit its own findings and recommendations to the  
20                  Commissioner or vote to conduct an Independent Inquiry.

ORDINANCE NUMBER 70532

1           D.       Independent Inquiry: If the COB finds, by an affirmative vote of at  
2           least five of its members, that IAD failed to investigate a Complaint, failed to  
3           properly notify and involve the COB pursuant to this Ordinance, failed to  
4           follow its own protocols in conducting the investigation, or failed to provide  
5           the COB with findings and information as required by this Ordinance, the  
6           COB may conduct an Independent Inquiry. Within ninety (90) days of voting  
7           to conduct an Independent Inquiry, the COB shall report its findings and  
8           recommendations to the Commissioner.

9           11.    COB Findings and Recommendations: The COB shall determine, by majority  
10          vote of its members at a meeting where a quorum is present and based on a preponderance of  
11          the evidence, final findings and recommendations. The COB may, in its internal operating  
12          procedures, provide an opportunity for the complainant, the subject of the complaint, or the  
13          Commissioner, to ask the COB to reconsider its findings before they are finalized. The  
14          COB's final findings and recommendations shall be forwarded in writing to the  
15          Commissioner and the Director of Public Safety.

16          12.    Suspension of Inspection: If grand jury or litigation proceedings are initiated  
17          against the subject officer and the IAD Investigation is suspended for similar reasons, COB  
18          Inspection of any complaint shall be suspended. Records relating to criminal proceedings  
19          shall not be made available to the COB unless they are otherwise public records.

20          13.    Maintaining Files: The COB shall maintain its files for each Inspection for a  
21          period of ten (10) years or as required by the Sunshine Law, whichever period is longer.

January 27, 2017

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Board Bill No. 306

Sponsor: Alderman Terry Kennedy

ORDINANCE NUMBER 70532

1           14.   Officer-Involved Shootings. In the event of any officer-involved shooting that  
2 results in the fatality of a civilian:

3                   A.     The Director of Public Safety shall inform, as soon as practical, the  
4 COB members and the COB Executive Director that the officer-involved shooting occurred.  
5 The COB members and staff shall not interfere with any investigation into the officer-  
6 involved shooting.

7                   B.     The Commissioner shall provide the COB with copies of IAD's  
8 findings, recommendation, and investigative file only after the Force Investigative Unit and  
9 the Deadly Force Review Board have completed their analyses and provided their final  
10 reports to the Commissioner.

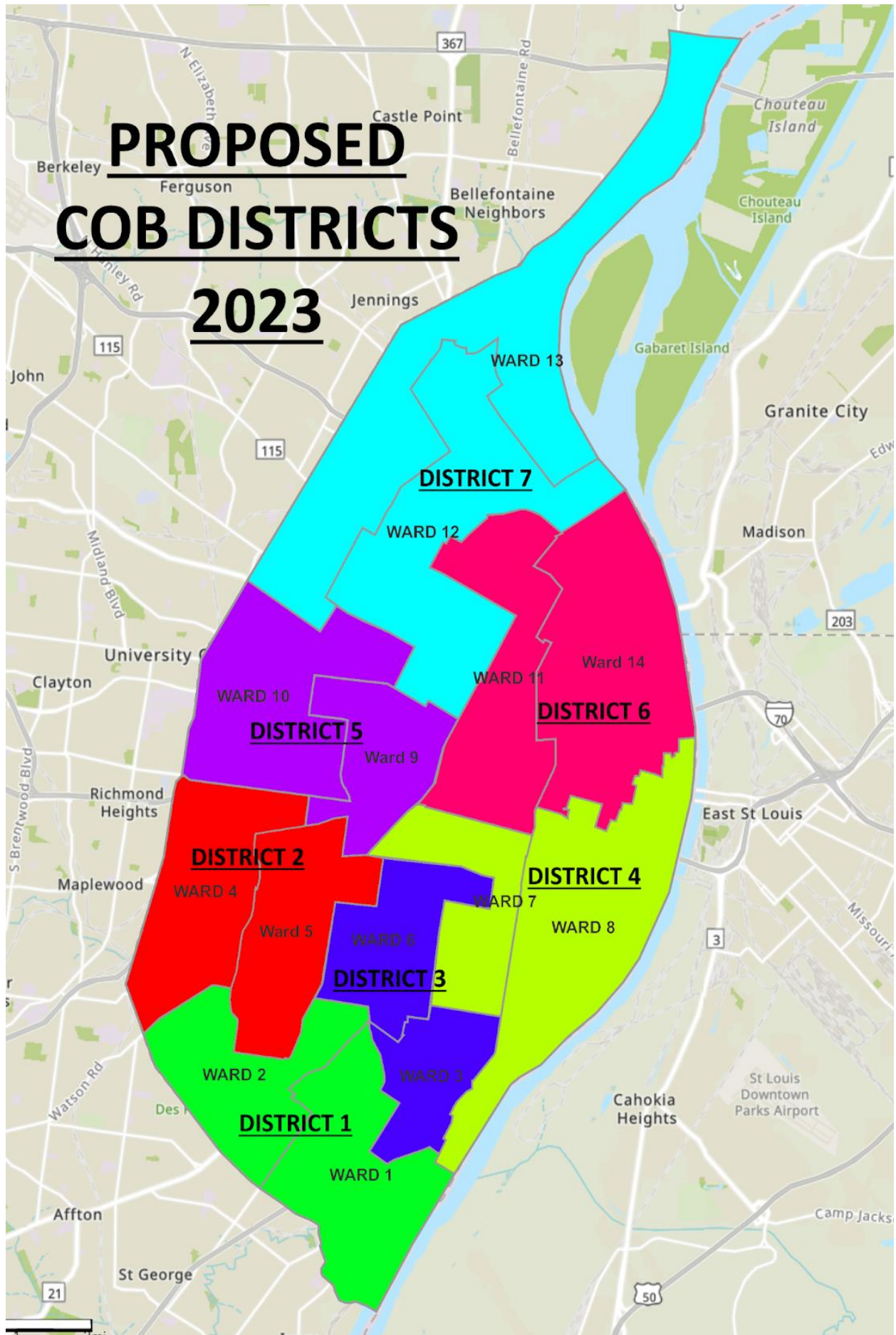
11                  C.     The Director of Public Safety shall request that the Attorney General  
12 of the State of Missouri oversee or conduct the IAD investigation concerning the incident. If  
13 the Attorney General agrees to do so under reasonable terms, the Attorney General's  
14 investigation shall be treated as the IAD investigation for purposes of this Ordinance and the  
15 COB's role as described in this Ordinance shall continue as if the IAD investigation was  
16 overseen or conducted by IAD rather than by the Attorney General.

17           **SECTION TWO. Severability Clause.** The provisions of this ordinance shall be  
18 severable. In the event that any provision of this ordinance is found by a court of competent  
19 jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless

ORDINANCE NUMBER 70532

1 the court finds the valid provisions of this ordinance are so essentially and inseparably  
2 connected with, and so dependent upon, the void provision that it cannot be presumed that  
3 the Board of Aldermen would have enacted the valid provisions without the void ones or  
4 unless the Court finds that the valid provisions, standing alone, are incomplete and incapable  
5 of being executed in accordance with the legislative intent.

Board Bill Number 137  
Committee Substitute As Amended  
COB District Map





**FISCAL NOTE**  
**BOARD BILL NUMBER 137**  
**COMMITTEE SUBSTITUTE AS AMENDED**

Preparer's Name: Nahuel Fefer, Director of Policy, Mayor's Office

Phone Number or Email Address (will be available publicly): [Fefern@stlouis-mo.gov](mailto:Fefern@stlouis-mo.gov)

Bill Sponsor: Alderwoman Shameem Clark Hubbard

<b>Bill Synopsis:</b>	Establishes a Division of Civilian Oversight within the Department of Public Safety to conduct professional standards inquiries into police and correctional misconduct; Authorizes the creation of a Public Integrity Unit in the Circuit Attorney's Office to conduct criminal investigations into police and correctional incidents. Expands the power, authority, resources and capacity of the Detention Facilities Oversight Board and Civilian Oversight Board.
<b>Type of Impact:</b>	This bill will have a significant fiscal impact. The Division of Civilian Oversight created herein is budgeted in the FY22-23 budget at \$1,301,221. The Public Integrity Unit referenced herein is budgeted in the FY22-23 budget at \$1,200,000.
<b>Agencies Affected:</b>	New Division of Civilian Oversight established in the Department of Public Safety; New Public Integrity Unit established in the Circuit Attorney's Office.

**SECTION A**

**Does this bill authorize:**

- An expansion of services which entails additional costs beyond that approved in the current adopted City budget?  

☐ Yes ☒ No.
- An undertaking of a new service for which no funding is provided in the current adopted City budget?  

☐ Yes ☒ No.
- A commitment of City funding in the future under certain specified conditions?  

☒ Yes ☐ No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted City budget?  

☐ Yes ☒ No.

- An execution or initiation of an activity as a result of federal or state mandates or requirements?

☐ Yes ☒ No.

- A capital improvement project that increases operating costs over the current adopted City budget?

☐ Yes ☒ No.

- A capital improvement project that requires funding not approved in the current adopted City budget or that will require funding in future years?

☐ Yes ☒ No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.**

### **SECTION B**

#### **Not applicable**

- Does the bill require the construction of any new physical facilities?    Yes   X   No.

- If yes, describe the facilities and provide the estimated cost:

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- Is the bill estimated to have a direct fiscal impact on any City department or office?   X   Yes    No.

- If yes, explain the impact and the estimated cost:

This bill will impact the Department of Public Safety, requiring the creation of a new Division of Civilian Oversight including a Commissioner of Civilian Oversight, an investigative team of ten employees dedicated to conducting accountability investigations, two Client Service Coordinators charged with liaising with families, a Government Services Analyst dedicated to supporting the oversight boards, a Human Resources Specialist dedicated to working with Personnel to initiate discipline, and three administrative staff. These fiscal impacts are detailed on page 3 below.

- Does the bill create a program or administrative subdivision?   X   Yes    No.

- If yes, then is there a similar existing program or administrative subdivision?  

X   Yes      No.
- If yes, explain the how the proposed programs or administrative subdivisions may overlap:

Yes, the city currently spends roughly \$2M on internal investigations (Internal Affairs: \$892K; Civilian Oversight Board: \$641K; Force Investigative Unit: \$396K). The functions of the Civilian Oversight Board would be incorporated into the Civilian Oversight Division, resulting in no duplication of services. Internal Affairs would retain jurisdiction over investigations and discipline pertaining to minor administrative matters, but the majority of its functions (and much of its budget) would be transferred to the Civilian Oversight Division. The Force Investigative Unit would remain in place to provide investigative capacity for criminal investigations led by the Circuit Attorney's Office.

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

There are limited, if any, equipment and maintenance costs associated with this proposal. The anticipated annual operating costs are described throughout this fiscal note.

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	\$1,161,327	~\$1,500,000
Additional Revenue	N/A	N/A	N/A
Net	N/A	\$1,161,327	~\$1,500,000
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	\$699,714	~\$850,000
Additional Revenue	N/A	N/A	N/A
Net	N/A	\$699,714	~\$850,000

- Describe any assumptions used in preparing this fiscal note:

The FY21-22 budget for the Civilian Oversight Board is \$641,026 – this will not be affected by this bill. Year 2 fiscal impact reflects funding appropriated to the Civilian Oversight Board and Public Integrity Unit in the FY22-23 budget. The General Fund impact is broken out into a \$660,195 increase to the Civilian Oversight Board's budget and a \$501,132 increase in funding to the Circuit

Attorney's Office to fund five legal investigator III positions. The Special Fund impact reflects a \$699,714 increase in the Circuit Attorney's Prop P (Fund 1125) budget to fund an Attorney Manager and two Attorney III positions, as well as a variety of contractual services. The Year 3 financial impact estimate reflects an assumption that, once fully staffed, the Civilian Oversight Division (COD) & Public Integrity Unit (PIU) will cost roughly \$1.75M and \$1.25M respectively.

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

FY22-23 Adopted Budget; SLMPD Budget & Annual Report; Civilian Oversight Board Budget & Quadrennial Report

Have the financial estimates of this bill been verified by the City Budget Division?

\_\_\_\_ Yes X No.